

The CNMC comments on the proposal for a Community Regulation on the use of railway infrastructure capacity

- The regulation aims to improve the management of railway infrastructure in order to increase rail traffic by 4% and promote the decarbonisation of transport.
- It modifies the criteria for allocating capacity in the most demanded paths and provides compensation to companies if there are changes due to works on the railway infrastructure.
- According to the CNMC, both aspects should receive prior approval in the case of the Spanish sector.
- The European Commission will prepare the final proposal and send it to the Council and the European Parliament for further processing.

Madrid, 20 November 2023. – The [draft regulation on the use of railway infrastructure capacity](#) envisages bringing forward the deadlines for the allocation of capacity to railway undertakings by infrastructure managers — Adif, in the case of Spain. It also provides for the introduction of socio-economic criteria to allocate the most demanded train paths and for managers to compensate railway undertakings if they suffer changes in the capacity already allocated.

The CNMC welcomes the future regulation, whose public consultation period ended last Friday, but makes a number of observations.

Advanced notice

Railway undertakings will be allowed to request capacity annually to the network managers — Adif, in the case of Spain — with more advance notice and the deadlines for its allocation will be shortened. This is a positive measure, already suggested by the CNMC ([press release](#)), and will allow rail to compete with air transport in advance ticket sales.

Socio-economic criteria

Requests from companies will be prioritised according to socio-economic criteria when infrastructures are heavily used or congested. The CNMC views in a positive light the allocation of capacity according to the value of the services to society but demands prior consultation with railway companies about the criteria and to be the body that approves them.

Compensation for works

Infrastructure managers shall compensate railway undertakings whenever the infrastructure manager modifies the capacity allocated to them. Compensations are very important because they encourage managers to plan works in advance, reduce damages for companies and improve the reliability of rail as a means of transport.

The CNMC analysed the problems caused by cancelling the train paths awarded for infrastructure works in the [Resolution of 7 July 2022](#). Therefore, the CNMC requests to be involved in the definition of 'major' modifications that will generate the right to compensation.

European Networks

The proposal strengthens the role of the European Network of Regulators and the European Network of Infrastructure Managers. The latter will have the power to issue guidelines to standardise procedures and establish common practices in the management and administration of the capacity of all national infrastructure managers. The CNMC considers that the Network of Infrastructure Managers should be required to consult these guidelines with the Network of Regulators.

Related content:

- [Comments on the draft regulation](#)
- [Press release](#) (26/06/2023): The CNMC proposes to bring forward the schedule for capacity allocation in the railway infrastructure.
- [Press release](#) (22/07/2022): Adif will have to give more advance notice of works on the network to avoid damage to railway companies and their customers.