

EVALUATION AND FITNESS CHECK (FC) ROADMAP			
TITLE OF THE EVALUATION/FC	Evaluation of Regulation (EU) 913/2010 concerning a European rail network for competitive freight		
LEAD DG RESPONSIBLE UNIT	DG MOVE, UNIT B2	DATE OF THIS ROADMAP	01 / 2016
TYPE OF EVALUATION	Internal Interim Evaluation	PLANNED START DATE	Q4 / 2015
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		PLANNING CALENDAR	http://ec.europa.eu/smart-regulation/evaluation/index_en.htm
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A. Purpose
(A.1) Purpose
<p>Regulation (EU) 913/2010 concerning a European rail network for competitive freight has entered into force nearly 5 years ago, and the nine Rail Freight Corridors (RFCs) that have to be established according to its provisions will be fully operational by the end of 2015. The aim of this evaluation is to provide a complete overview of the implementation of the Regulation as well as an assessment of its effects. It will be the basis to determine whether further action is needed.</p>
(A.2) Justification
<p>The Regulation requires the Commission to submit a report examining the application of the Regulation to the EP and Council by November 2015 (Art. 23). The Commission has decided to extend this exercise and to perform a full evaluation of the Regulation.</p> <p>The Commission is actively cooperating with the RFCs governance structures and has hence a good overview of the state of play. It is observed that the RFCs start to deliver first benefits to customers, and is more particularly successful in terms of capacity requests.</p> <p>The Commission also had the opportunity to receive numerous feedbacks from different categories of stakeholders involved in the establishment and/or operation of the RFCs: governance bodies of the RFCs (see B.1 for a description of the governance bodies) as well as individual customers (freight train operators and other applicants) and other stakeholders from the rail and transport community. These indicate that the RFC concept is the right approach to tackle challenges in international rail freight. It is considered to be particularly successful in terms of cooperation between stakeholders. Feedback also highlights that there is support for extension/creation of existing/new RFCs (e.g. RFC 8 North Sea – Baltic has been extended formally in 2015; discussions are ongoing in other RFCs) and for improvements of a number of provisions i.a. for a better functioning of the network of RFCs and for this latter to deliver its full benefits for rail freight.</p> <p>The evaluation will allow looking in detail into the matters brought forward by stakeholders and potentially confirm the issues raised.</p> <p>Moreover, given that the present Regulation focuses on the setting-up of the RFCs, and not so much on the operation and continuous development of the RFCs in terms of standard, technical and operational interoperability, capacity and service quality, the evaluation is also an opportunity to assess whether the Regulation is still relevant in this respect and if so whether it needs to be adapted to new demands.</p>

Last but not least the legal environment has changed with the development of the Trans-European Transport Network (TEN-T)¹, the establishment of the Connecting Europe Facility (CEF)² and the Recast of the 1st Railway Package (Directive 2012/34³). Coherence with the RFC Regulation should be looked into to identify whether a clarification of the role of the Rail Freight Corridors, which constitute the rail freight backbone of the Core Network Corridors (defined by the TEN-T Regulation) would be needed. In this respect, it seems particularly appropriate to assess interrelations and interactions between RFCs and core network corridors on infrastructure development.

B. Content and subject of the evaluation

(B.1) Subject area

The Regulation lays down rules for the establishment and organization of international RFCs, including their selection, organization, management and indicative investment planning, as well as the management and use of the infrastructure.

The Regulation foresees the establishment of international RFCs. A RFC is constituted of railway lines, linking two or more terminals along a predefined principal route. Nine initial corridors were designated in the Regulation. Six of the nine RFCs are operational since 2013⁴, while three will become operational by November 2015⁵. Additional RCFs may be designated according to defined criteria set out in the Regulation. The principle routes of the initial corridors were extended in 2013² in line with the multimodal Core Network Corridors⁶ in order to reduce the administrative burden and streamline the development and use of the railway infrastructure.

For each of the RFCs, a dedicated governance structure is set up by the Regulation, consisting of:

- an Executive Board composed of Member State representatives, and responsible for defining the general objectives and framework of the RFC and supervising its functioning;
- a Management Board composed of rail Infrastructure Managers, and in charge of the implementation plan, consultation of capacity applicants, investment plan and coordination of infrastructure works, the set-up of a Corridor-One Stop Shop as single contact point for capacity request, coordination of traffic management and provision of information on conditions of use of the RFC.
- two Advisory Groups, one for Railway undertakings and one for Terminal managers, which may issue opinions.

Working groups composed of experts are also set up by the RFCs to tackle particular problems.

In practice, the different bodies strongly interact, which enables an active consultation and participation of the different stakeholders. For instance, the Executive Board usually meets between two and four times a year, often comprising a joint session with the Management Board. A representative of the Regulatory bodies and a representative of the National safety authorities of the RFC usually join these Executive Board meetings. During the Board meetings, often the outcome of the Advisory and Working groups meetings is presented and discussed. Issues and proposals of the

¹ Regulations 1315/2013 <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R1315&from=EN>

² Regulation 1316/2013 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:348:0129:0171:EN:PDF>

³ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:343:0032:0077:EN:PDF>

⁴ RFC Rhine – Alpine; RFC North Sea – Mediterranean; RFC Atlantic; RFC Mediterranean; RFC Orient/East – Med; RFC CZ – SK (future RFC Rhine – Danube).

⁵ RFC Scandinavian – Mediterranean; RFC Baltic – Adriatic; RFC North Sea – Baltic.

⁶ defined by Regulation 1315/2013

users and stakeholders can this way be easily raised for decision or consideration in the relevant body: issues regarding capacity and operation in the Management Board and issues regarding financing or which require an intervention from public authorities in the Executive Board.

This functioning enables the governance bodies to be active on a wide range of topics, which often even go beyond what is formally requested by the Regulation, such as harmonization of operational rules, terms & conditions, short-distance interoperability, customs issues etc.

In addition to the provisions of the Regulation, the general legal framework for the operation of trains and the management of infrastructure on the RFCs is set out by Directive 2012/34 establishing a single European railway area.

(B.2) Original objectives of the intervention

The general objective of the Regulation is to develop a European rail network for competitive freight, in order to boost rail freight in terms of volume, market share, quality and reliability.

Hence, the aim of the Regulation through the setting-up of the RFCs is to achieve a truly Single European Rail Area in the field of rail freight by allowing a smooth interconnection between national networks, with a focus on the main international rail freight routes.

Rail freight has to face a quality challenge, a cost challenge, a service challenge, a political challenge and a European challenge. Hence the Regulation aims at

- improving the quality, notably the reliability and punctuality, of freight services (quality challenge);
- decreasing the train operation costs for cross-border services, notably by increasing the efficiency of train operations (cost challenge);
- improving the framework conditions for intermodality and new added-value services to emerge, supported notably by the deployment of innovative technology and processes (service challenge);
- increasing on the policy-making and administrative level the awareness towards the challenges faced by rail freight, especially by developing cooperation processes between the relevant authorities, the relevant stakeholders and between the former and the latter (political challenge).
- eliminating the borders for the users of the rail system, in particular for freight operators in the context of high and increasing share of cross-border traffic (European challenge).

The specific objectives are the following:

- Designate key railway lines for international rail freight along corridors in line with market needs;
- Develop efficient and effective governance structures along corridors to tackle issues penalising rail freight;
- Provide good quality capacity for international rail freight;
- Facilitate and simplify access to infrastructure capacity for international rail freight;
- Develop infrastructure along corridors with regard to capacity, standards and interoperability;
- Ensure good traffic management for freight traffic across borders;
- Improve customer involvement;
- Monitor the quality of service along corridors.

(B.3) How the objectives were to be achieved

The objectives identified above can be further declined into operational objectives or inputs, which are expected to lead to a number of outputs.

Operational objectives leading to infrastructure of good quality and improved standards for good commercial speed and journey times:

- Coordinate investments along corridors;
- Coordinate infrastructure works along corridors and their coordination with traffic.

Operational objectives leading to the facilitation of cross-border traffic and improvement of intermodality for good commercial speed and journey times:

- Provide dedicated capacity of good quality for international freight trains;
- Address the improvement and harmonization of the technical standards of railway lines;
- Facilitate adequate links to other transport modes through intermodal freight terminals;
- Allow for continuity through interconnections with third countries.

Operational objectives leading to a capacity offer of good quality and a facilitated access to it :

- Set up Corridor-One Stop Shop for capacity applications;
- Widen scope of entities to apply for capacity;
- Provide information for use of corridors in a single document;
- Define procedures for allocation of capacity.

Operational objectives leading to the good management of the RFCs and the coordination between MSs:

- Designate railway lines and terminals to RFCs, including diversionary routes;
- Enable the modification and setting-up of RFCs;
- Set up a governance body for Member States;
- Set up governance body for Infrastructure Managers;
- Set up Advisory Groups for Railway Undertakings and Terminal Managers;
- Introduce consulting mechanisms for corridors users;
- Monitor and publish performance of corridors;
- Monitor and publish customer satisfaction of corridors;
- Ensure harmonised quality targets and sufficient priority for freight trains along the RFCs;
- Ensure the good regulatory supervision of the RFCs.

The intervention logic is provided in annex.

C. Scope of the evaluation/FC

(C.1) Topics covered
<p>This evaluation will cover all elements and provisions of the Regulation. The period to be evaluated runs from the date of entry into force of the Regulation in 2010 until September 2015, when the establishment of the last three RFCs to become operational will be largely finalised.</p> <p>The evaluation will concern all nine RFCs, with a particular focus on the experience of the six RFCs established in November 2013. Rail freight networks of 21 Member States⁷ plus Switzerland and Norway in which the RFCs are located are concerned.</p>
(C.2) Issues to be examined
<p><u>Relevance:</u></p> <p>1) To what extent are the five challenges (quality, cost, service, political and European) relevant and sufficient to address the lack of competitiveness of rail freight?</p> <p><u>Effectiveness:</u></p> <p>2) To what extent has the management of the RFCs proven effective?</p> <p>3) To what extent has the Regulation contributed to a more competitive internal market for rail freight transport, in particular in terms of reliability of the network and its optimised use?</p> <p>4) To what extent does the pre-arranged path concept and reserve capacity of the RFC facilitate cross-border rail freight and corresponds to customers' needs?</p> <p>5) Are there any unintended or unexpected impacts?</p> <p><u>Efficiency:</u></p> <p>6) To what extent are the regulatory costs incurred by stakeholders (MS authorities, Infrastructure managers, Railway undertakings, Terminal managers and end customers) proportionate to the benefits expected?</p> <p><u>Coherence:</u></p> <p>7) Are the objectives of the Regulation coherent with the general EU objectives, notably of the 2011 White Paper on Transport and the ten policy areas that are set as priorities by the current European Commission (as announced in July 2014⁸)?</p> <p>8) Are the provisions of the Regulation coherent/consistent with the co-existing EU Transport legislation taking account of its evolution (e.g. TEN-T and CEF Regulations, Directive 2012/34 (Recast of the 1st Railway Package), 4th Railway Package)?</p> <p><u>EU added value:</u></p> <p>9) What is the EU-added value of the RFCs?</p>
(C.3) Other tasks
N.A.

⁷ The Netherlands, Belgium, Germany, Italy, Luxemburg, France, Sweden, Denmark, Austria, Portugal, Spain, Poland, Czech Republic, Slovakia, Slovenia, Hungary, Romania, Bulgaria, Greece, Lithuania, United Kingdom.

⁸ http://ec.europa.eu/priorities/docs/political-guidelines-short_en.pdf

D. Evidence base

(D.1) Evidence from monitoring

Each RFC conducts a Performance monitoring report and a Customer satisfaction survey every year, which are made public, usually on the websites of the corridors. These reports will be included in the reports to be submitted to the Commission according to Art. 22 of the Regulation (see below). Both sources will be used to feed the evaluation.

(D.2) Previous evaluations and other reports

Two key categories of reports will be used to feed into the evaluation:

- The Executive Boards of the six already operational RFCs have to submit a report on the implementation of their corridor to the Commission by November 2015, according to Art. 22 of the Regulation. Drafts of these reports are available to the Commission and the final versions will be submitted in October. These reports will be one key source of information for this evaluation, giving both quantitative elements and the qualitative views of the main stakeholders involved in the corridors.
- Minutes and reports of the meetings of the RFC governance bodies and of workshops/conferences/seminars on RFC issues in which the Commission participates. Other public documents related to the corridors such as implementation plans, frameworks for capacity allocation, transport market studies.

The report of the European Court of Auditors on rail freight in Europe, when published, will also be a useful source of information for the evaluation.

The impact assessment relating to the initial legislative proposal of the Commission will also be a useful source of information, however taking account of the changes between the adopted Regulation and the initial proposal.

(D.3) Evidence from assessing the implementation and application of legislation (complaints, infringement procedures)

No complaint has been received so far.

(D.4) Consultation

A public consultation will take place in the 4th quarter of 2015 to reach in particular those stakeholders not involved in the governance structures (including Advisory groups) of the RFCs, such as shippers and forwarders, to provide the Commission with their opinion on the functioning of the Regulation. It will aim at covering also elements not addressed in the reports from the six operational corridors.

The launch of the public consultation will be announced at:

<http://ec.europa.eu/yourvoice/consultations/>

Targeted consultations with stakeholders will be launched ad hoc. The necessity to address specific stakeholders for more detailed information will be assessed on the basis of the exact content of the reports of the different corridors. These will mainly take the form of questions sent by emails or of meetings. The focus will be on quantitative data (costs, performance, etc.), and will so be complementary to the open public consultation.

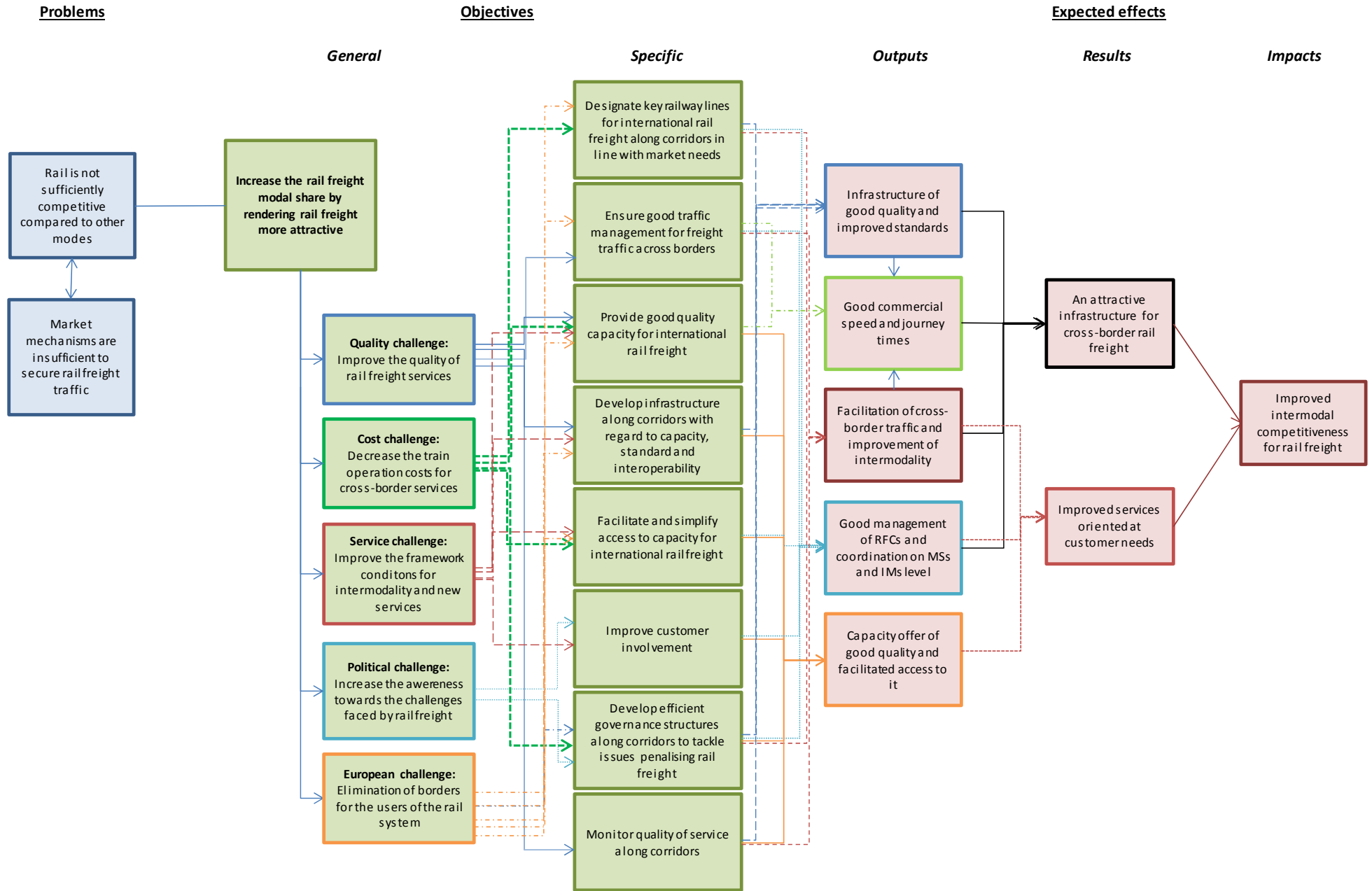
First evaluation findings will also be presented for feedback at the next Single European Rail Area Committee Working group on RFCs (on 10 December 2015). The participants of this working group are the members of the Executive boards (Member States representatives) and Management boards (Infrastructure managers and Allocation bodies representatives) of the RFCs, as well as the Regulatory bodies and rail and intermodal transport associations.

(D.5) Further evidence to be gathered

N.A.

E. Other relevant information/ remarks

N.A.



The links between the General objectives and the Specific objectives and between the Specific objectives and the Outputs are the main direct links.