

Guidelines for penalties modulation stakeholders' input and final update



CAPACITY MANAGEMENT

6 OCTOBER 2026 – ABCR MEETING



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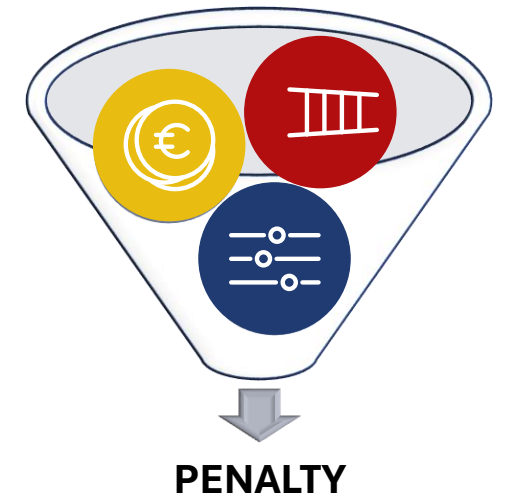


Legal basis and key content of the Guidelines

Article 42 of Regulation EU 2026/1184 requires the implementation of a **penalty mechanism** for **changes of capacity rights** classified as “**significant**”.

The mechanism should be based on:

- **Values** of the penalty between 1€ and 8 €, defined at national level
- **Distance** (km) of the affected train path (capacity)
- **Modulation factor**, according to the Guidelines elaborated by ENIM



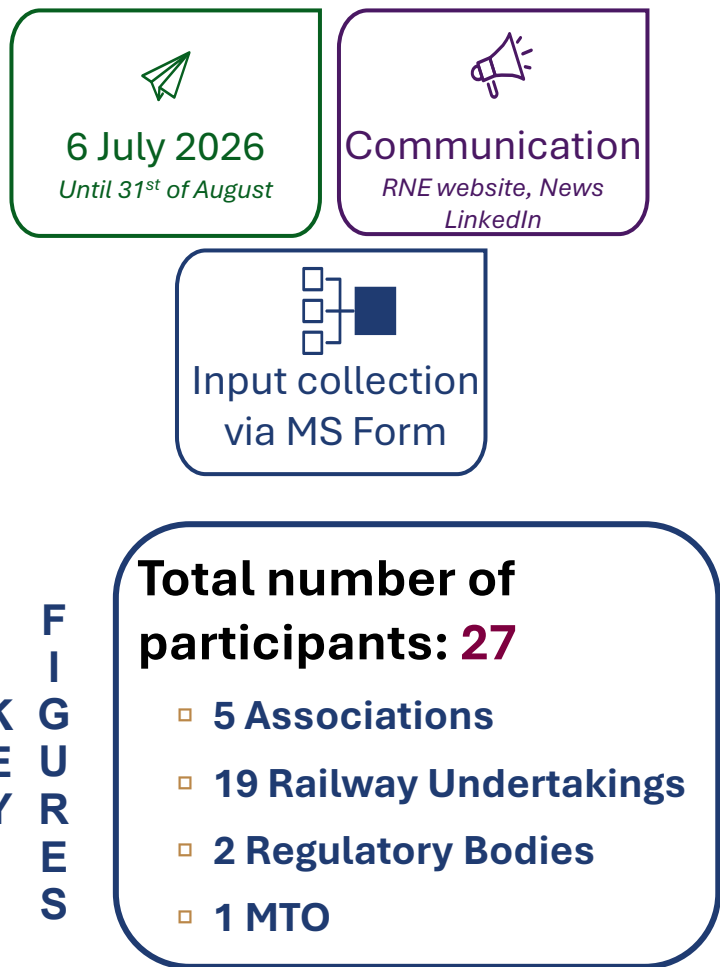
From January 2026, RNE CCs TF has developed a draft *Guidelines for the modulation of the penalties*, which describes the modulation scheme for the applicants and for the infrastructure managers

Key components of modulation schemes



Feedback gathering from stakeholders

FIGURES



	Significant changes	Timelines	Assessment of quality	Implementation aspects	Differentiation of market segments
Stakeholders input	Critical for implementation; consider differentiation between market segments	Consider Annex I and applicant's needs, also on TCRs communications	Need to differentiate per segments and clarify criteria	Definition of modulation factors and simulation before implementation	Differentiate quality assessment per market segments, at least freight and passengers + cross-border
Feedback	Harmonisation for international traffic. Additional improvements for final EFCM	Additional timelines are expected following SERAF discussion on new DA	Draft final version includes additional criteria. No IM's distinction per traffic segment	Modulation coefficients to be defined nationally. Simulation are needed for implementation	Further discussion on market segment in V or M. Consider consistency with modulation requirements for IMs and start of Rolling Planning

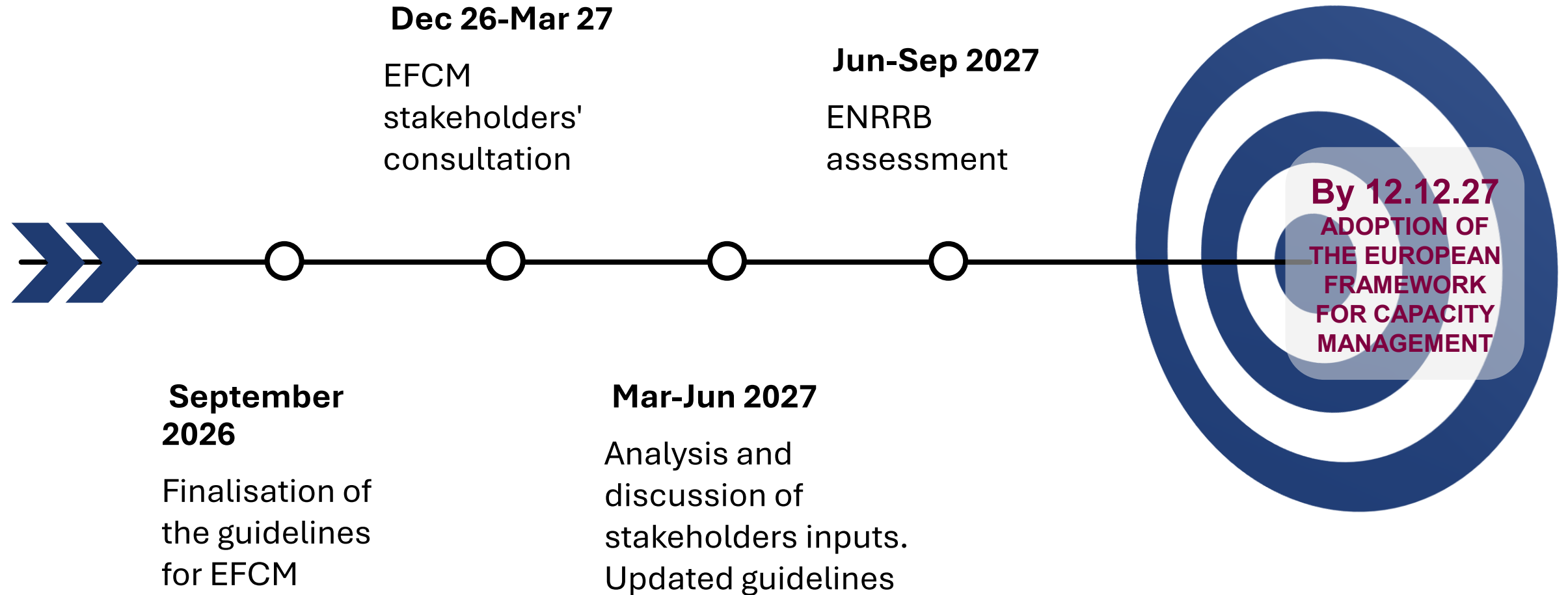
Upcoming discussions

Following the inputs from the stakeholders, upcoming discussions will cover:

- Further integration of the timelines from Annex I*
- Cases and effects of definition of significant changes
- Impacts of infrastructure congestion
- Effects of re-allocation of the path
- Possible measures for multinet network capacity rights changes

***TCRs delegated act outcomes to be considered**

Timeline





Daniele Imbriani

Senior Regulatory Affairs
Manager

+43 676 770 57 81

daniele.imbriani@rne.eu

RailNetEurope
Austria Campus 3
Jakov-Lind-Straße 5
1020 Vienna, Austria
www.rne.eu