2025

TIMETABLING AND CAPACITY REDESIGN (TTR)

GUIDELINES ON HARMONISED COMMERCIAL CONDITIONS

RNE Commercial Conditions Task Force ~~update~~ final proposal after consultation v1.~~1~~2

Developed under the TTR Programme

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Content

Version history

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0.1	Daniele Imbriani	11 October 2023	First version as agreed by the TTR Commercial Conditions Task Force
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1.1	Daniele Imbriani	15.05.2025	Guidelines review– RNE Commercial Conditions Task Force proposal
1.2	Daniele Imbriani	~~xx~~14.10.2025	Updated Guidelines review ~~– C~~after consultation by TTR Commercial Conditions Task Force~~analysis and updates~~

Section One – General Overview of Commercial Conditions

1 INTRODUCTION

1.1 Goal of Commercial Conditions

The Commercial Conditions are an incentive mechanism provided for the cancellation and modification/alteration of allocated train paths aiming to promote a more efficient usage of the available infrastructure capacity. They are included in the Network Statements, mostly in connection with the track access charges, and considers deadlines as well as fees for the cancellation and modification/alteration of allocated train paths.
According to the current European legal framework, the Commercial Conditions mechanism is mainly based on art. 36 of Directive 2012/34/EU.
On the 11th of July 2023 the European Commission published a proposal of a Regulation *on the use of railway infrastructure capacity in the single European railway area, amending Directive 2012/34/EU and repealing Regulation (EU) no 913/2010* (after, new Capacity Regulation). In the Commission proposal of Regulation, the art. 40 defines the "Compensation for changes to the capacity rights" ("Penalty" in the Council General Approach) that set, also in accordance with Art. 39 of same document "Changes to capacity rights after allocation", the basic principles for a harmonised scheme of Commercial Conditions. Thereafter, the European Parliament and the Council of the European Union also elaborated their amendment proposals (link to EP proposal and Council proposal), in the view of the subsequent discussion during the trilogue, started in November 2024.
Further adaptations of the processes and of the regulatory references in the present will be complemented having regard the full application of the new Capacity ~~Management~~ Regulation.
In the light of the TTR project, the goal of a harmonised Commercial Conditions scheme is to ~~become an enabler of~~support the successful implementation of new capacity allocation procedures set in the TTR by motivating both IMs/ABs and applicants to manage and use capacity as efficiently as possible in order to reduce waste of capacity. The introduction of harmonized Commercial Conditions, most importantly for modifying or cancelling paths, should motivate Applicants to order only the capacity they ultimately need and should incentivise IMs to plan Temporary Capacity Restrictions (TCRs) in such a way that the number of subsequent alteration and cancellation of already allocated paths is minimized.
The Commercial Conditions apply the following scope and principles:

- Commercial Conditions have to be non-discriminatory and reciprocal between IMs/ABs and Applicants.
- Commercial Conditions are applicable:
  - both to national and international traffic,
  - both to passenger and freight traffic,
  - several capacity management processes, including Annual timetable, and Ad-hoc requests, as well as multi-annual requests (Framework Agreements and Rolling Planning).

In June 2022, RNE and FTE elaborated a Common Understanding paper that declares and describes the main principles and items for the definition of Commercial Conditions on which the sector can largely agree. The listed items and general principles are considered as fundamental layout of the present document.

In June 2025, as outcome of several dialogue meetings, RNE and FTE agreed on a Common Understanding on compensation measures, which is available online on the RNE website (link). This document also includes the following definition of penalty and compensation:

- Penalty: a pre-defined measure set to avoid a misbehaviour of one part for the noncompliance of its commitments, in order to improve the efficiency and reliability of the system
- Compensation: a measure set to repair, reimburse or counterbalance the damage arise~~d~~n by a disruption of a service, limitation or restriction of a service for the non-compliance of its commitments by one part.

1.2 Scope of the Guidelines

Commercial Conditions shall be applied by infrastructure managers which are part of ENIM, as soon as the legal or regulatory constraints at European or national level are removed. The RNE Task Force who worked on the elaboration of the first (2023) Commercial Conditions Guidelines included following list of IMs involved in the first implementation activities of the TTR:

- Banenor;
- DB InfraGO AG;
- Infrabel;
- ÖBB – Infrastruktur;
- ProRail;
- RFI;
- SBB / BLS Netz AG[1] ;
- SNCF Réseau;
- Trafikverket.

Other IMs also participated in the Task Force as observers.

According to the above-mentioned draft Capacity Regulation, a harmonised set of Commercial Conditions will be adopted by the European Infrastructure Managers members of ENIM as part of the European framework for capacity allocation (ref. Art. 6), and it should be considered to the largest extent in the commercial conditions included in the IM’s Network Statement. Infrastructure managers operating in States which are not part of the EU can also decide to adhere to this Guidelines.

1.3 Exclusions

The RNE harmonised Commercial Conditions are not considering the following aspects:

[1] as in Switzerland the Commercial Conditions are set by the MoT, the Commercial Conditions will apply to the whole country

- Compensation requests of extra costs (e.g. passenger tickets, penalties related to agreements with RU's clients, etc.) from RUs or third parties due to IM path cancellation (e.g. for TCRs), which follows the complaints' process defined by each IM.
- Harmonization of the monetary value of financial penalties.
- Administration fees and reservation fees (non-refundable payments provided when the capacity is requested~~particularly at the requesting stage~~), applicable according to national rules/law, because they are unilateral (i.e. only applicable to applicants).
- ~~Invoicing issues.~~
- Performance schemes/incentives related to RUs/IM performance during the train run

Framework Agreements already signed before the entry into force of the new Capacity Regulation should be excluded from the mechanism described in the present document. Any change of this rule should be assessed according to final relevant legal framework.

The harmonised Commercial Conditions will not apply in cases of cancellation due to Force majeure. Procedures and methodologies for mutual acceptance of Force Majeure causes recognised by other IMs will be discussed by ENIM/Network Coordinator according to the obligations emerging from the Capacity Regulation.

1.4 CURRENT STATUS OF COMMERCIAL CONDITIONS

1.4.1 General information

Several Infrastructure Managers in Europe have already in force a national Commercial Conditions system, described in their own Network Statements.
In some cases, the incentives schemes are provided by national law, which defines the specific measure that the IM/AB can apply to the Applicant in case of cancellation, and vice versa. In most of the cases, the current Commercial Conditions schemes apply on cancellations due to RUs reasons, and less frequently due to IMs reasons.

The change of allocated capacity is, in almost every case, referred to path cancellation, and in this event commercial conditions are applied. Not frequently, the incentives are applied on path modification both on the Applicant and on the IM side.
These mechanisms are based on the thresholds and fees –defined at national level and taking into account the following chapters- should be mostly connected to:

- a percentage of the Track Access Charges
- a fixed price per train-km
- a fixed price for request (cancellation, modification/alteration)
- (other administrative or reservation fees)

In spring 2023 a specific analysis on data availability related to path cancellation and modification/alteration -in which the former group of TTR first wave implementers were involved- showed that, in general, IMs have available only the data related to paths cancellation or modification/alteration according to their national commercial conditions systems. For this reason, and taking into account the current procedural and legal framework, any study or simulation of the economic effects following the introduction of new incentives would require a specific projects and developments to support the implementation.

In addition, considering the limited adoption of Framework Agreements (FAs) in the various European railway networks and the introduction of Rolling Planning (RP), very few elements could be considered a valuable support for the definition of a common incentive system related to FAs and RP on the basis of the current IMs experience. Therefore, the proposed mechanism is based on the current available information on process and product design and will be accordingly updated during the full implementation phase.

1.4.2 Rules and incentives for the Applicants

Incentives to prevent recurring cancellation of the paths requested and allocated to the Applicants are the most adopted measure already implemented in the Network Statements.
On the other hand, ~~penalties~~ incentives related to path modification requested by the Applicants are not very often applied in the current systems across the European Countries.

Many infrastructure managers are adopting incentive mechanisms based on timing of cancellation request and an economic incentive linked to track access charges. In some other cases, the calculation of the fees is based on fixed monetary values per case or per train-km (€/trkm).

In the case of a RU may not cancel the path after the planned departure time, Commercial Conditions systems often consider this as a special case (i.e. the “non-usage” of the path) compared to path cancellation communicated by the RUs.

Path modification incentives are applied in a very limited number of railway networks, as well as the integration between the incentive measures for allocated paths and Performance Schemes related to train operation (e.g. delays).

1.4.3 Rules and incentives for the IMs

According to the Annex VII to the Directive 2012/34/EU, the Infrastructure Managers shall plan and communicate in due advance infrastructure works for maintenance, renewal and development of the infrastructure. Temporary Capacity Restrictions (TCRs) are usually the most recurrent case, although not the only one, of path withdrawal by the IMs.
In most of the cases, many IMs do not adopt an incentive system for the cancellation and alteration due to IM reason.
Based on a 2024 survey conducted among some European infrastructure managers, only two IMs adopted a full reciprocal system that involves both path cancellation and path modification/alteration incentives. Only a few other IMs adopted reciprocal incentive measures but only for path cancellation.

Generally, if the IM provides an alternative to the Applicant to the originally requested and allocated path, the request is considered as granted and, for the majority of the IMs, no further consequences for the IM should apply. In addition, IMs are often willing to apply a reduction of the charge in case of extra costs for the RU due to the alternative route.
Some IMs provide~~s~~ compensation measures as integrative or substitutive measures from the reciprocal incentive scheme.

1.4.4 Other incentive measures

In addition to the previous listed measures, some further incentives are provided as effect of misbehaviour of the parties involved or to deal with specific aspects.

In case of total line closure due to renewal works on the railway infrastructure, some IM provides to the payment of the substitute bus services as a compensation measure for passenger traffic. This can be applied also independently from the time of the communication to the market and it is generally supported/funded by the relevant national Ministry.

For freight traffic, some IMs provides traction support measures (such as diesel or additional electric locomotive) in case of degraded parameters on alternative\re-routing lines due to TCRs, to mitigate impacts for the Applicants and the resilience of railway modal transport services.

Very rarely IMs provides full (or partial) compensation to Applicant of other extra costs related to the service interruption due to planned line unavailability or late cancellation

Other deterrent measures are applied in case of non-usage of the infrastructure by the Applicant/RU. As an example, in case of recurrent cancellation of a path for more than one month, some IMs decide to provide a lower priority to the involved Applicant in case of conflicts between different path requests during the construction of the timetable for the following year(s).

In most of the countries, Commercial Conditions take account of the timing when the path cancellation/modification/alteration/withdrawal is requested and the level of congestion of the line impacted by the change.

~~1.4.5~~ 1.5 Disputes resolution

In case of disputes between the Applicant(s) and the Infrastructure Manager(s) on the reason behind the capacity right change and following application of incentive measure, the national Regulatory Body will take a decision in accordance with the terms and procedure defined by the relevant legal and regulatory framework (e.g. art. 40 (6) of the draft Regulation). ENRRB can be consulted by the national RB and shall ensure the coherence of the decision adopted, according to existing harmonised principles. ENRRB can also provide ENIM recommendations on dispute resolution.

Section Two –Harmonised Commercial Conditions

2 INTRODUCTION

RNE aims to describe, in the present document, a preparatory layout of harmonised scheme of Commercial Conditions that will be part of the new European Framework for Capacity Management, according to the requirements of the new Capacity Regulation.
Since the draft Regulation is currently under discussion by the European institutions, this document is based on qualified assumptions of the future process and legal framework supporting the commercial conditions.
The Guidelines ~~is~~ are providing a useful guidance for infrastructure managers on implementing their national scheme according to a common set of rules that will be widely applied among European infrastructure managers and which are created to support the full implementation of the new Capacity Management process.
The following contents will be subject to updates according to the evolution of the legal European framework and the further definition of procedures and processes in the TTR.

2.1 Multiannual Capacity (Framework Agreements and Rolling Planning)

2.1.1 Definition

Framework Agreements are legally binding general agreement under public or private law, setting out the rights and obligations of an applicant and the infrastructure manager in relation to the infrastructure capacity to be allocated and the charges to be levied over a period longer than one working timetable period. The capacity subject of this agreement shall be requested by the Applicant before each timetable year indicated in the agreement. The procedure for granting capacity through Framework Agreements, as well as the deadlines for submitting the request to the IM, are described in the IM Network Statement.

Rolling Planning capacity can be placed at any time by respecting the relevant deadlines during the working timetable or for the future timetables as provided in Section 6 of Annex I of the new Capacity Regulation. The RP capacity requests should be, to the largest extent, consistent with the dedicated capacity in the IM's Capacity Model and/or Capacity Supply and the capacity specifications shall be converted by the IMs to train paths

2.1.2 Application of Commercial Conditions

Rules for the application of incentive schemes for Framework Agreement will be included in the present Guidelines once the process related to the definition of harmonised process and content of Framework Agreements is accomplished and the legal framework expected from the draft Regulation will be stabilised.

Such incentives will consider reciprocity between Applicants and infrastructure managers, providing both margins of flexibility in the request and allocation of the capacity object of the Framework Agreement. Capacity not available due to TCRs planned according to the timelines provided in the Annex I, Section 3 of the draft Capacity Regulation, should be considered excluded from the application of the incentives, as well as the one not assigned due to force majeure.

2.1.3 Capacity reserved through Framework Agreement and not requested or allocated

Incentive measure for Framework Agreement not requested by the Applicants or not assigned by the infrastructure managers will be included in the present Guidelines once the process related to the definition of harmonised process and content of Framework Agreements is accomplished and the legal framework expected from the draft Regulation will be stabilised.

2.1.4 Cancellation of Rolling Planning capacity

As Rolling Planning capacity is referred to more than one timetable, a different approach should be considered.

In case of Rolling Planning request (path or capacity specification) submitted during the ongoing timetable year, the same rules as for any path cancellation will apply.

For Rolling Planning requests submitted for the following timetables, it should be taken into account the timing of the request for cancellation.

- In case of early cancellation, meaning the cancellation before the timetable start or, at least, 4 months before the train run for Rolling Planning capacity, the incentive value should be reduced from the standard fee value (defined at national level).
- In case of cancellation request submitted less than 4 months before train run, the incentive value should be increased from the standard fee value (defined at national level).

The same rules are applicable both for Applicants and IMs.

Upon IMs' decision, as the Rolling Planning represents a new capacity product on which the experience is very limited, it could be considered to not apply any specific rules for Rolling Planning to gather further information and test the system. Testing period should not be longer that 24 months after the first rollout of Rolling Planning.

2.2 Incentives for Applicants

2.2.1 Path cancellation (requested by Applicant)

2.2.1.1 Definition

This process applies to allocated paths in the annual timetable, Rolling Planning (once introduced) and ad-hoc requests. An applicant may always cancel an allocated path. A path cancellation may refer to one single day, several days or all remaining operation days in the timetable. It is also possible to cancel the entire train run (all path sections) or just one or more sections of the train run (one path section). For international train paths, incentives should apply in the network(s) where the change occurs.

2.2.1.2 Application of Commercial Conditions

Commercial Conditions are applied when Applicants cancel an originally requested, allocated and accepted path, due to the responsibility of the Applicant, for reasons that are not force majeure and not caused by an IM.

2.2.1.3 Path cancellations

The following thresholds, as well as the fees to be defined at national level, for path cancellations due to responsibility of the Applicant will be included in their Network Statements by the IMs according to the timeline described in the par. 3.1.2 of the present document regarding the implementation of the harmonised Commercial Conditions. The following scheme provides a harmonised approach to elaborate the national scheme of ~~compensation/~~incentives to be approved by the Regulatory Bodies.

Path cancellation threshold before train run*	**Cancellation fee scheme**
more than 60 days before the train run	A
60 to 31 days before the train run	B ≥ A
30 to 5 days before the train run	C ≥ B
4 days to 24 hours before train run	D ≥ C
less than 24 hours before the timetabled departure time of the train up to the timetabled departure time of the train*	E ≥ D
After timetabled departure time*	F ≥ E

**The train's timetabled departure is the time when the train enters the train-path pricing system of the respective IM*

IMs are free to merge or not apply certain threshold levels according to the cancellation patterns in coordination with national Authorities (Regulatory Body, Ministry of Transports). If technical or legal

constrains are present at national level, IMs may decide temporarily to keep some threshold in addition to the thresholds listed above.
The level of fees (or other incentive measures) is defined by each Infrastructure Manager – up to any level the respective IM deems necessary to reach the steering effect and ensure an optimal use of capacity while keeping the competitiveness of the rail mode.

In general, a progressive structure of the fees should be kept in the sense of "the nearer the cancellation the higher the fee" logic. Each IM should be able to determine its own monetary approach based on its level of saturation without binding ranges
In case of partial cancellation of a path, rules for path modification are applied.

In order to facilitate the harmonisation and comparability of the Commercial Conditions, a common mechanism should be based on the track access charge. If there are reasonable grounds that forbid the adoption of incentives based on track access charges, IMs may decide to apply incentives based on monetary values per trkm (e.g. X,x€/trkm) in accordance with the criteria described in the present document.

In the case of reiterated cancellation or non-usage of the same allocated path by the RU, in addition to above mentioned rules, the process described in ch. 2.5.1 also applies.

2.2.2 Path modification requested by Applicants

Applicants may request a modification of allocated paths from Infrastructure Managers and Allocation Bodies.

A path modification request may refer to one single running day, several days or all remaining days in the annual timetable, and it may concern the entire allocated path or just a part of it. It applies to international and national paths allocated in the yearly annual timetable and to those booked allocated using the short-term planning process as well, including pre-arranged paths on the RFCs

The modification process is applicable from the moment when the path is allocated to the end of annual Timetable.

More details are available in the RNE Handbook concerning Path Modification (HB_Path_Modification_Management_5.0_2025-04-15.pdf) procedures, as part of the to the *RNE Process Handbook for International Path Allocation for Infrastructure Managers*, as well as in the Network Statements of each IM.

2.2.2.1 Definitions of major and minor path modifications by Railway Undertakings

Minor modifications are those that do not have a substantial impact on its own and/or another path (e.g. decrease in train length with no impact on the timetable). For this reason, these modification requests may be incorporated into the yearly TT at any time. In all other cases, the request is considered a major modification.

The table below shows the modification requests considered as "minor modification".

Minor Modification Request	
Number of stops	
Fewer	Only if stopping time may be used as buffer time
Train parameters	
Length	Only if shorter than originally allocated
Weight	Only if lighter than originally allocated
Load profile (combined traffic)	Only if smaller or if it is bigger than originally allocated but still complies with the path parameters
Traction type	Only if it is a performance improvement or unchanged
Number of traction units	Only if the performance is unchanged or improved
Change of operating partner RU[14]	Only if the parameters are complied with
Replace scheduled rolling stock	Only if it complies with the originally scheduled rolling stock
Other parameters	To be specified in the Network Statements

2.2.2.2 Measures in case of major path modifications by Railway Undertakings

Major path modifications leading to path cancellation are considered in the Commercial Conditions as equal as cancellation request of the paths. All other major path modifications requests, including ~~If that is~~also the cases when ~~and~~ the path modification has no impact on other paths, ~~the request~~ should be treated with lower fee than the ones provided for path cancellation requests from the RUs. The level of the fees (or other incentive measures) is determined at national level.

Major path modification threshold before train run*	Modification fee
more than 60 days before the train run	A
60 to 31 days before the train run	B ≥ A
30 to 5 days before the train run	C ≥ B
4 days to 24 hours before train run	D ≥ C
less than 24 hours before the timetabled departure time of the train up to the timetabled departure time of the train*	E ≥ D
After timetabled departure time*	F ≥ E

** The train's timetabled departure is the time when the train enters the train-path pricing system of the respective IM*

The request concerning non-congested or low traffic lines can be excluded from the above –described economic effects.

In case of partial cancellation of a path, path cancellation fees applied only to the cancelled part.

2.2.2.3 Measures in case of Minor path modifications

Minor path modifications as defined in the table in chapter 2.1.2.1 do lead to an increased workload on the side of the Infrastructure Manager and are, therefore, entitled to be charged with a modification fee by the Infrastructure Manager.
IMs may decide to not apply any fee for minor path modification or apply a fee only with regards to minor path modification requests concerning congested or high traffic lines.
Regarding the time of announcement of these modifications, IMs may use the thresholds of the path cancellations as a reference.

2.2.3 Non–usage of paths (without cancellation) by Railway Undertakings

2.2.3.1 Definition of non-usage

A non-used path is a path whose train is not departed and the RU misses to notify the cancellation up to an 18 hours time limit (or a different time limit defined at national level) after the planned departure time.
In consequence of the missed cancellation, a re-selling by the Infrastructure Manager is made impossible, so the infrastructure capacity remains unused and is totally wasted.

2.2.3.2 Measures for non-usage

Non-usage of paths should be continuously monitored by the IM within a pre-defined period during the timetable. In case of failure to provide communication of the non-usage of the path by the RU, the IM should apply a fee at least equal or close to the cost of the path.
The fee is meant to be additional to the track access charges (TAC) paid by the Applicant/RU or, if no TAC can be applied to the path, the IM should in any case consider the cost of the path in the definition of the amount of the fee. The level of the fee (or other incentive measures as of ch. 2.5.1) is determined at national level.

in the case of reiterated cancellation or non-usage of the same allocated path by the RU, in addition to above mentioned rules, the process described in ch. 2.4.1 also applies.

2.3 Incentives for IMs

2.3.1 Path cancellation (requested by the IM) and applicable thresholds

The IMs may decide to cancel an already allocated path due to reasons mainly connected to late planning of TCRs, delays during the execution of a planned TCR, severe congestion of the infrastructure or any other reason that exclude the possibility for the IM to guarantees the safe and/or standard operation of a rail transport service.

Every cancellation of a path by the IM due to external reasons, according to Annex VI of 2012/34/UE Directive and UIC Leaflet 450-2, including Force Majeure (ref. also to art. 40(2) of the Capacity Management Regulation proposal), shall not be considered as responsibility of the IM and are therefore excluded from the application of any economic consequence.
Please consider that in the RNE "Procedures for Alteration of Allocated International Paths triggered by IMs", path cancellation due to IM reason may also be described as path withdrawal where no alternative solution is provided.

2.3.1.1 Definition of path cancellation requested by the IM

Subject to the fair and non-discriminatory access to the infrastructure, IMs have the right to withdraw paths already allocated, without any alternative solution, for only as long as necessary in specific situations such as:

- In an emergency and, where absolutely necessary, on account of a breakdown making the infrastructure temporarily unusable;
- in case the remaining capacity of the route and the alternatives are not sufficient to provide all applicants holding the rights to the originally allocated paths with economically usable alternatives. Allocation rules in a fair and non-discriminatory manner shall be applied. The applicable allocation rules are defined in RNE Handbook for International Contingency Management and Network Statements of each IM;
- Usage of a path below a threshold quota to be established in the Network Statement, for a period of at least one month (only applicable to RUs);
- In case of request from public authorities in charge of managing crisis situations, including the military, civil protection agencies, and others. Such Public authorities should compensate the Applicant concerned by the cancellation according to the relevant legal framework (art. 47 (7) of the draft Capacity Regulation).

2.3.1.2 Measures for IMs path cancellation

In case of cancellation of an allocated path due to IM reasons, the following criteria for the definition of fees should be used by the IMs for the elaboration of the incentive scheme. The ~~following~~ thresholds refer to the time of the cancellation provided by the IMs. The announcement of the TCR should be provided in accordance with Annex VII timeline.

The level of the fee (or other incentive measure) is determined at national level.

Passenger Trains

Path cancellation threshold before train run*	**Alteration fee**

more than 120 days before the train run	A
120 to 60 days before the train run	B ≥ A
60 to 31 days before the train run	C ≥ B
30 days to 5 days before train run	D ≥ C
less than 5 days before train run	E ≥ D

Freight trains

Path cancellation thresholds before train run*	Cancellation fee
more than 60 days before the train run	A
60 to 31 days before the train run	B ≥ A
30 to 5 days before the train run	C ≥ B
4 days to 24 hours before train run	D ≥ C
less than 24 hours before the timetabled departure time of the train up to the timetabled departure time of the train*	E ≥ D

** The train's timetabled departure is the time when the train enters the train-path pricing system of the respective IM*

In case of partial cancellation of a path, rules for path alteration are applied.

2.3.2 Path Alteration (requested by the IM)

During the planning of TCRs, it may be necessary for IMs to adjust an already allocated path due to reasons connected to the planning of works, impacts on operations, safety etc.
The process involves both IMs and RUs and it is described in the RNE Handbook concerning Path Alteration (link) procedure, as part of the to the *RNE Process Handbook for International Path Allocation for Infrastructure Managers*, as well as in the Network Statements of each IM.
In any case, IMs should not pay for path alteration carried out in due time according to Annex VII, also when the path modification proposal leads to a path cancellation due to non-acceptance of the RUs.

2.3.2.1 Definitions of path alteration by Infrastructure Managers

In several cases, it may be necessary for infrastructure managers and allocation bodies to alternate, adjust or~~,~~ replace ~~or withdraw~~ already allocated paths. This activity is the so-called “Path Alteration”.

The need for path alteration shall be reduced to a minimum. A path alteration may refer to one single running day, several days or all remaining days in a yearly timetable; It is also possible to alter the whole path section or just a part of it. It applies to paths in a yearly timetable and to those booked using the short-term planning process as well.
Minor alterations are those that do not have a substantial impact on its own and/or another path;. for this reason, these alteration requests may be incorporated into the yearly TT at any time. In all other cases the request is considered a major alteration.
Further details on differentiation between major and minor alteration are still under evaluation.

2.3.2.2 Measures for IMs path alterations

In case of path alteration with major impacts on the originally allocated path, according to the ~~table/description~~rules described in previous par. 2.~~2~~3.2.1, the following criteria should be used by the IMs for the elaboration of the incentive scheme:
~~The level of the fee (or other incentive measure) is determined at national level. In order to promote alternative solutions and maintain the capacity already allocated to the Applicant, the level of the incentives for path cancellation should be higher than the one provided for path alteration.~~

Passenger Trains

Path alteration threshold before train run*	Alteration fee
more than 120 days before the train run	A
120 to 60 days before the train run	B ≥ A
60 to 31 days before the train run	C ≥ B
30 days to 5 days before train run	D ≥ C
less than 5 days before train run	E ≥ D

Freight trains

Path alteration threshold before train run*	Alteration fee
more than 30 days before the train run	A
30 to 15 days before the train run	B ≥ A
15 to 5 days before the train run	C ≥ B
less than 5 days before train run	D ≥ C

The level of the fee (or other incentive measure) is determined at national level. In order to promote alternative solutions and maintain the capacity already allocated to the Applicant, the level of the incentives for path cancellation should be higher than the one provided for path alteration.

In case of partial cancellation of a path, path cancellation fees applied only to the cancelled part.

2.4 Multinetwork Capacity

A multinetwork rail service is a rail transport service operated on two or more networks managed by different infrastructure managers[2]. The following rules consider, in particular, multinetwork cross-border services but could be also extended to domestic multinetwork services.

2.4.1 Path cancellation

Cancellation due to force majeure in one network is considered cancelled due to force majeure also in the other networks involved by the train path.

ENIM/Network Coordinator will discuss the procedures, to be defined according to the final rules emerging from the Capacity Regulation, as the trilogue discussion is still ongoing. Responsibilities of each IM and Applicant involved in the multinetwork path still need to be defined.

Also, the level of the incentives still needs to be clarified by the EU Institutions during the trilogue, while the setup of the incentives will remain national. The level of the incentives should also consider their possible steering (or compensation) effect for the whole train path.

Multinetwork approach on Commercial conditions is to be considered, as well as the possibility to have reciprocal incentives also for the international paths.

2.4.2 Path modification and alteration

Where a path modification or alteration request has an impact on the network where the modification/alteration are requested, only national rules of the concerned network apply.

In case of path modification/alteration involving the whole international path, the IM and Applicant initiating the modification\alteration are, respectively, responsible for the coordination of between the other IMs and the other ~~\~~Applicants.

Rules for path modification and path alteration for international path shall be in line with the content of the European Framework for Capacity Management. Incentives scheme rules still need to be clarified by EU Institutions during the trilogue.

[2] see ~~recital 10~~art. 4 (10) of the draft Capacity ~~Management~~ Regulation

2.5 Other components for Applicants and Infrastructure Managers incentives

Further specific aspects that are not included into the previous harmonised measure may be considered by the IM in the national implementation of the Commercial Conditions.

2.5.1 Withdraw of allocated capacity right in case of recurrent non-usage/cancellation

If a capacity right includes, even only partially, congested lines, in the case of reiterated cancellation or non-usage of the same capacity right by the RU for a period of at least one month and beyond a specific percentage referred to the same capacity right, the IM may proceed to withdraw the allocated capacity right (ref. art.52 (2) Dir.2012/34/EC). Where provided by national rules, additional fees may apply.

Before proceeding with the path withdrawal, the IM shall verify that the percentage of usage of the capacity right in one month, referred to the single capacity right, is at least:

- 60% for passenger segment
- 30% for freight segment.

Whereas the IM verify that the RU has used such capacity right below these threshold values, after a monitoring period of at least 3 months, the IMs contact the RU for clarification and may decide to proceed with the withdrawal of the capacity right or propose different solution to optimise the utilisation of the capacity.

IMs can decide to apply such rules also to non-congested lines and/or to set higher values of the above percentage of usage at national level.

In addition to the above-mentioned rules, IMs may decide to apply further measure to discourage capacity waste, such as the assignment of a lower priority during capacity allocation phase in case of conflicting requests to Applicants who have not sufficiently used their allocated capacity rights or the adoption of variable fees applicable according to the time extent (e.g. 30 day, 60 days etc.) and the congestion level of the infrastructure.

2.5.2 Congested or highly used lines

IMs may include specific incentives for congested or highly used lines and/or for specific line typologies (e.g. high-speed or high-capacity lines) which capacity is dedicated to high quality service transports.

2.5.3 Timing of first request of the path

IMs may decide to differentiate path cancellation and modification requests impacted by the change request according to the timing of the allocation in the capacity allocation process. In general, the incentive system may consider, as additional component in the system, if the path is requested for the

Annual Timetable, Rolling Planning or for ad-hoc path requests. Further details will be included in a later stage of the TTR process.

2.5.4 Other components

According to national laws and/or decisions from the Regulatory Bodies, as well as any specific national need that could not be included in the harmonised scheme, IMs may include further specific component in addition to the present Commercial Conditions system.

Section Three – Timelines and Implementation phases

3 INTRODUCTION

The present chapter describes the general timeline and list activities to be carried out for the implementation of the RNE harmonised Commercial Conditions.

T~~t~~he content of the present document was elaborated by the dedicated RNE Task Force composed by IMs' experts, operating under the umbrella of the TTR project. As new legal framework is expected to enter in force soon, the following content should be adapted and integrated according to the ~~outcomes of the trilogue discussion currently still ongoing~~final text of the new Capacity Regulation.

3.1 PROJECT TIMELINE

3.1.1 General overview of the CC Task Force Project Plan

The Commercial Conditions Guidelines have been adopted for the first time on December 2023 by the RNE General Assembly. The activities plan for the implementation of the Commercial Condition has been elaborated by the RNE Commercial Conditions task force and consist in the following phases:

- Phase 1 (2024-2026): Continuous improvement of Commercial Conditions Guidelines, based on and taking into account the development of the legal framework.
- Phase 2 (2026-2028): Definition of activities needed for full implementation, according to the timeline and rules defined in the final Capacity Regulation. It could include also piloting and simulations, which enable IMs to test the incentive mechanisms.
- Phase 3 (2028-2030): Full implementation of the Commercial Condition starting from 2028 (first draft of the Network Statement 2030) and subsequent monitoring of the national implementation activities

According to the draft Regulation from the European Commission, TT 2030 has being envisaged as the first timetable for implementation of the new Capacity Management process, including Commercial Conditions. Such starting time could be amended according to the outcomes of the trilogue discussion of the draft Capacity ~~Management~~ Regulation.

Further details on the Implementation phases and next activities can provided separately or could be integrated in the present Guidelines at a later stage.

The content of this document will be used for the elaboration of the draft European Framework for Capacity Management, as part of the activities set by RNE for taking over the role of Network Coordinator.

3.1.2 Implementation of the Commercial Conditions in the Network Statements

After the elaboration of the European Framework for Capacity Management, which will include the harmonised Commercial Conditions, the update of the national Network Statement will follow taking into account, to the largest extent, the content of such Framework.

The implementation of Commercial Conditions in the Network Statement needs to consider the final timeline of the entry into force of the new Capacity Management Regulation. According to the Commission proposal of the draft Regulation, the publication of the European Framework for Capacity Management is expected by January 2026, while the first relevant Timetable when the new rules will apply will start in December 2029.

The IMs, according to the national rules and procedures, may also implement the harmonised Commercial Conditions as described in the present Guidelines earlier before the mandatory enter into force of the Regulation. In this regard, any initiative started for testing the effect of the system will provide data and feedback of field information useful for further adjustments of the present Guidelines.

3.2 Monitoring, IT tools and simulation phase

The implementation plan related to IT aspects and pilot/simulation will be defined in phase 2 of the implementation plan as described in ch. 3.1.2, taking into account the plans and status of the IT developments both at national and international level.

3.2.1 Monitoring of steering effects per threshold

IMs are encouraged to establish a monitoring system of cancellations volumes per each threshold defined in chapters 2.~~1~~2.1.3 and 2.~~2~~3.1.2, considering:

- number of paths and
- path-km

in order to continuously evaluate the steering effect and – if needed – to undertake necessary adjustments in coordination with national Authorities (RB, MoT). IT developments at RNE level and\or national level may be required for this task.

The monitoring and/or simulation of the components should start as soon as possible to support the implementation of Capacity Management process as described in the draft Regulation. The results of this first monitoring phase will provide useful information for the development of the full simulation/piloting phase to proceed implementing the Commercial Conditions.

Several IMs planned or expect to plan IT tools developments at national in order to follow up with the simulation phase and implementation of the incentive mechanism. Such development has to consider the new legal framework requirements.

3.2.2 Tools for preparatory phase before implementing the harmonised Commercial Conditions

Tools and other actions related to IT developments and simulation starting during Phase 2 (2026-2028) are still under discussion.