

TIMETABLING AND CAPACITY REDESIGN (TTR)

REPORT ON CONSULTATION OF THE GUIDELINES ON HARMONISED COMMERCIAL CONDITIONS

TTR Commercial Conditions Task Force feedback on inputs received during 2025 consultation

Version 14 October 2025



Developed under
the TTR
Programme



Funded by
the European Union

1 Introduction

During 2024 and the beginning of 2025, the RNE Commercial Conditions Task Force (TF) worked on updating the 2023 Guidelines on harmonised Commercial Conditions. The Task Force prepared a revised version of the Guidelines to be submitted for consultation with external stakeholders, with the objective of collecting feedback and proposals—particularly from Applicants—prior to the submission of the final version to the RNE General Assembly in December 2025.

The consultation process was conducted via the RNE website, with contributions collected between 23 June and 23 August. In addition to the website, several communication channels were used to disseminate information and engage stakeholders, including the RNE LinkedIn page and the newsletter mailing list. A dedicated workshop was also organised shortly after the launch of the consultation to encourage direct dialogue and facilitate exchanges between IMs and stakeholders.

The present report has been drafted to share the IMs' feedback on the most relevant and recurring inputs gathered during the consultation phase. It also aims to provide further clarification on the updated content of the 2025 Guidelines and to outline the main areas of progress achieved through this revision process.

2 RNE Commercial Conditions' task force assessments on consultation inputs

The feedback received took different forms and covered a wide range of topics. Some contributions focused on technical aspects related to the system described in the document, while other provides possible alternative scenarios or shared views on more general aspects on the approach and content of the Guidelines.

The present chapter summarises the main comments received and aims to provide further clarifications on the rationale and approach adopted by the infrastructure managers' experts during the drafting process.

A significant share of the inputs was prepared and shared by FTE and was fully supported or partially with amendments by several railway undertakings and sector associations. In addition, some railway undertakings and associations also submitted independent contributions, further supplementing the consultation process with different perspectives and experiences.

2.1 Section One – General Overview of Commercial Conditions

Stakeholders underlined the need for greater clarity in the definition of the Commercial Conditions' goals. They proposed to make the objectives more explicit, highlighting the stabilisation of allocated capacity, the timely communication of necessary changes, and the reduction of administrative burdens. References to the **RNE-FTE Common Understanding on Compensation Measures** were also requested to ensure consistency with existing frameworks. The Task Force considers that these aspects are already reflected in the text but agrees to include a reference to the Common Understanding, as well as the **definition of penalty and compensation**, which was not in the consulted version of the updated Guidelines due to misalignment in the timelines for the approval procedures of the documents. Additionally, IMs clarifies that the mechanism is not intended as an **additional income source for infrastructure managers**, but as a reciprocal incentive system - defined after consultation of Applicants and Regulatory Bodies- to promote efficient capacity use and minimise unnecessary changes.

It was also proposed to penalise RUs **only for the capacity wasted**, meaning the capacity which is not allocated to other RUs after the allocated capacity change request. While re-allocation of capacity after a path cancellation or modification/alteration is primary interest for the IMs, TF members believe this should not exclude the use of the incentive measure for the Applicant responsible for the change as such change could potentially **prevent** other Applicants to plan or request capacity beforehand.

Concerning the **scope** of the Guidelines, clearer references to the **geographical and regulatory** applicability were requested, suggesting explicit mention of all EU and associated countries. Others proposed to require Infrastructure Managers to **justify deviations** from European frameworks within their Network Statements. The Task Force notes that such obligations fall outside the scope of the current document and will be addressed under the European Framework for Capacity Management. Nevertheless, the TF introduced clarifications on the reference to ENIM members to improve

transparency, which includes also some non-EU countries that may adhere upon specific agreements with the European Union.

Regarding **exclusions**, participants asked for clarification on '**reservation fees**' and '**invoicing issues**' and requested confirmation that **Force Majeure** cases remain exempt from penalties. The Task Force included in the Guidelines clarifications on reservation fees and removed the reference to invoicing issues, which can be considered as part of the administrative fees. It is also confirmed that force majeure excludes the application of Commercial Conditions for both Applicants and IMs, while communication procedures between IMs were considered outside the scope of the Guidelines, in consultation with the relevant stakeholders.

On the **current status of commercial conditions**, stakeholders asked for greater details on IMs' analyses and comparative overviews of national systems. They also called for inclusion of additional examples of compensations relevant to freight operators. The Task Force considers the current level of detail sufficient, stating that IMs' systems vary and the chapter intends to provide only a **general overview**. Same is valid also for more details on compensation measures, which are also out of the scope of this Guidelines. Nonetheless, references to **traction support** measures were incorporated.

2.2 Section Two - Incentives for Applicants and Infrastructure Managers

Stakeholders extensively commented on the treatment of **Temporary Capacity Restrictions (TCRs)** in the mechanism for the IMs, also under **Framework Agreements and Rolling Planning**. Many opposed the exclusion of TCR-related capacity changes from incentive schemes, reporting the risks for Railway Undertakings (RUs) and for investment stability, calling for clearer rules on penalties, aligned with the draft Capacity Regulation, and compensation measures. The Task Force acknowledges these concerns while renewing IMs' primary objective to conduct **works efficiently** while taking in due account **already allocated capacity**. It should be considered that reciprocal **flexibility margins** on Framework Agreements capacity, as well as its characteristics, and IT developments are already considered for future discussion, therefore further specific measures will be defined once the Capacity Regulation is finalised.

Inputs on **Rolling Planning** focused on differentiation between cancellations and modifications, the flexibility of the requests, and the definition of incentives, which should be the same as for annual paths once the capacity specification is converted. Stakeholders urged the TF to avoid penalising minor operational changes such as shifts in departure days, which are considered with limited impact on IMs. Testing period mentioned in the Guidelines is welcomed. The Task Force deems that **flexibility** must remain within **reasonable** limits to **preserve capacity stability**, especially on congested lines. Regarding the incentive values, the Rolling Planning capacity is meant to be booked on shorter term than annual capacity, leading to major stability of such request during the timetable. For that reason, Applicant's plans should be already stable and will decide to request the **right capacity product**. The TF confirmed that gradual approaches and national adaptation periods will be considered, ensuring convergence of the harmonised incentive mechanism under the new framework.

On incentives for Applicants and IMs, participants requested justification for the selected **thresholds** (e.g. 60/30/5 days) and clarification of the **use of Track Access Charges (TAC)** as a reference. They argued that TAC-based systems do not reflect real capacity value across networks, and **progressive penalty curves** (as in French system) would be preferable, whilst **merging of thresholds** should be avoided. While acknowledging the variation across IMs, the Task Force keeps on considering TAC as the most consistent and **contractual basis** between Applicants and IMs for defining incentives, noting that it should theoretically reflect the economic value of allocated capacity. Nevertheless, IMs are discussing on possible usage of “progressing curve” approach instead of thresholds approach, considering the possible impacts on processes and IT tools. On the thresholds’ definition, the values for the Applicants stem from previous harmonisation work in Rail Freight Corridors, while the one adopted for IMs are taking into account the *RNE Procedures for Alteration of Allocated International Paths by IMs*. After the analysis of the input received, the TF agreed to adopt the **same scheme existing** for passenger path alteration also for path cancellation due to IM’s reasons (path withdrawal), while extend the deadlines for freight traffic for IMs’ incentives to the same applicable for Applicants’ incentives, aiming to achieve a greater reciprocity of the mechanism. Lastly, it should be noted that the full application of incentives per each threshold by the IMs should be considered as part of the **stepwise approach** for the implementation of harmonised incentives, therefore some flexibility needs to be considered, at least in early phases.

Regarding the **measures for non-usage**, inputs provided required clarifications on limits on **penalties** exceeding 100% of TAC, and the rules of applying such measures. It is also noted that the definition of the level of the incentives at national level is not supporting harmonisation. IMs consider that incentives above 100% TAC -to be added in such cases to the cost of the path- may be justified in cases of non-usage where **reallocation is impossible**, as this leads to a complete capacity waste, and the monitoring according to the current Annex VII of SERA Directive and national rules. On values for incentives, the definition of **national measures** is in line with the draft Capacity Regulation requirements.

Stakeholders also questioned the **classification** between **major and minor path modifications**, stressing that only changes affecting other capacity utilisation should trigger penalties. In addition, **path alteration**, also minor, can create major **business impacts** on passenger traffic (i.e. 6 months ticketing), but also for freight. The TF recognises the concern, while taking into account the importance of stability in allocated capacity. Amendments introduced in the Guidelines after these inputs clarify that only major modifications leading to cancellations are treated as capacity rights cancellations, while **reduced fees** may apply to other major changes. Minor modifications should remain generally **exempted**, provided they do not lead to excessive instability in the timetable.

Multinetwork capacity aspects still need to be further detailed in the Guidelines. Stakeholders urge for a joint work on handling incentive measures for international capacity and ask to further clarify the role of IMs and RUs in the coordination of capacity changes. The TF adjusted the wording of the Guidelines for further clarity and to underline that IMs are responsible for the coordination of TCRs with the neighbouring IMs. At the same time, Applicants are requested to coordinate with the international partner Applicants to ensure smooth operations at the borders.

Input received on rules for **withdrawal of allocated capacity** emphasized that recurrent non-usage should be treated differently from cancellations, particularly in freight operations, calling for dialogue

with RUs and for more information on the chosen thresholds (30/60%). The TF considers such rules differently from cancellation cases, due to the regular waste of capacity, and agrees to clarify the IM-RU dialogue before withdrawing the capacity. The **thresholds** shown represent a **minimum level** considering the current existing schemes, while monitoring period has the goal to verify if the cancellation is provided on regular basis. Such level and timeframe could be **adjusted** after **tests and data analysis**, considering also that not all the IMs are already applying such measures. The impacts of these rules are considered unrelated to the size of the transport service operator.

2.3 Implementation Plan and General Remarks

Contributors called for clearer definition of the project timeline and **implementation steps**, while highlighting also the importance of **enhanced digital tools** to supporting monitoring and simulations. They emphasized that IT solutions should enable automatic calculation of penalties and compensations, thereby reducing administrative burden for all parties involved. The Task Force agrees on the importance of process development, continuous monitoring and **digitalisation**, indicating that such features will be settled **progressively** by the IMs, also in consultation with the Applicants, as part of the **implementation** of the new **Capacity Management process**.

In the general remarks, stakeholders reiterated the importance of ensuring **consistency** with the evolving **European regulatory framework** and the need for harmonised and transparent application of the rules across all networks. The Task Force confirms its obligation to align the provisions of the Guidelines with the forthcoming Capacity Regulation and to maintain an **open dialogue with the sector** during the testing and adjustment phases of the harmonised Commercial Conditions. Several aspects, such as the Framework Agreements or multinetwork capacity, remain under discussion and will undoubtedly be subject to further refinement and future updates.

Some stakeholders also request a differentiation between **stable and flexible traffic**, as well as between **cancellations without new allocation** of capacity and those without subsequent use of the capacity. However, in the views of the IMs within the TF, the first distinction is not sustained both under the current and in the future legal framework, as appearing not compatible with the purpose of the mechanism. A certain differentiation between stable and flexible traffic is indeed reflected in the **capacity products available** to Applicants, ranging from the long-term planning under Framework Agreements to the shorter-term processes of Rolling Planning and ad-hoc requests. The re-use of cancelled capacity should be, on the other hand, taken into account when defining the incentive scheme as such changes generate a **suboptimal** use of the capacity.

Some freight operators called for more **equal** and fair treatment in capacity planning and fee structures between **freight** and **passenger** segments, noting that both face **similar performance impacts**. Infrastructure managers consider segment differentiation as reflecting operational needs and frequency of request types. Freight services are typically more flexible than passenger ones but receive **capacity of equal quality**.

Several references were made during the consultation to the **report of SERAF Commercial Conditions Subgroup**. Indeed, the discussion examined some mechanisms already adopted by IMs, providing a

valuable overview of current practices and stakeholders positions. Nevertheless, the outcomes still need further analysis and elaboration and **should not be interpreted as mandatory requirements** for the incentive mechanisms, but rather as useful inputs to guide future discussions.

The Guidelines, by contrast, aim to define an **applicable and balanced scheme** for the sector, acknowledging that several modifications and additional details will be needed before their formal entry into force. A dedicated monitoring phase, both prior to the implementation and following the introduction of the mechanism, will be essential to evaluate the effects of the incentive measures and define any necessary future adjustments.

One of the key recurring aspects raised by the stakeholders concerns **planning and execution of TCRs by the IMs**, given their significant operational and reputational impacts on the sector. IMs strive to plan TCRs as efficiently as possible in order to minimise the impacts on Applicants and end customers. Incentive measure for IMs should therefore not restrict their ability to perform **infrastructure works**, which remains **essential** for the maintenance and developments of the rail network. Rather, these measures are designed to promote IMs' efficiency in planning processes, while duly taking into account the potential impacts for RUs by ensuring balanced and fair approach for all stakeholders involved.

3 Concluding remarks and next steps

The proposed Guidelines and the most recent updates represent, in the view of the IMs, a significant **step forward** towards the establishment of a **harmonised and reciprocal incentive system**, taking into account the **existing national regulations** across European networks. The IMs highly appreciated and carefully considered the contributions, comments and ideas shared by the stakeholders during the consultation process. These inputs are essential for shaping the next stages of discussion, both among IMs' experts and in the future exchanges with Applicants and other stakeholders.

The Guidelines are designed with the objective of ensuring the largest possible adoption of common rules and practices. Compared to the version of the Guidelines adopted in 2023, the **legal framework** related to Commercial Conditions has seen only limited developments. However, the IMs remained committed to continuously improving the document, taking into account the outcomes of the trilogue discussion and, in the near future, aligning it with the final text of the **upcoming Capacity Regulation**.

The updated Guidelines are scheduled to be submitted to the **RNE General Assembly in December 2025** for formal approval. Following this step, the Task Force will continue to work on updates, also by elaborate the key inputs for the **European Framework for Capacity Management**, which will build upon foundations laid by this document.