

Position Paper

“Strategic Guidance and national requirements under the Rail Capacity Regulation: Practical Recommendations for a Harmonised and Effective Implementation”

Brussels, 26 October 2026

1. Introduction: why strategic guidance matters

EIM recognises the importance of the railway system for the economy and society as a whole. While European integration in the railway system is important to bring forward cross-border operations and develop the European Internal Market, the importance of rail traffic at national level is equally indisputable. Strategic guidance and national requirements are optional tools for aligning capacity planning with national objectives and can support modal shift, passenger service development, freight growth, military mobility, resilience, PSO planning and decarbonisation. The aim of the present document is to provide support to infrastructure managers (IMs) and Member States currently looking into their very first editions of the new concept that is **strategic guidance**.

Regulation 2026/1184 on the use of railway infrastructure capacity in the single European railway area (the Capacity Regulation)¹ also provides other tools² that, in many cases, will be sufficient to ensure national coherence. In order for strategic guidance to work according to the intentions of the Capacity Regulation, EIM's analysis indicates that strategic guidance should be balanced between enabling the national authorities to provide strategic input to IMs on the one hand, and the right and need of the IM to fulfil its operational responsibilities, specifically to allocate capacity in an independent and impartial manner and to optimise the use of its infrastructure as part of its essential functions under Article 3(2f) and Article 4(2) of Directive 2012/34/EU establishing a single European railway area (the SERA Directive)³.

Strategic guidance under Article 4

Article 4 of the Capacity Regulation allows Member States to provide the IM with strategic guidance based on the indicative railway infrastructure development strategies already included in Article 8(1) of the SERA Directive. The content of **strategic guidance** is open. However, four elements are explicitly mentioned. These are general objectives and outlooks, such as:

- general national rail policy objectives;
- infrastructure development outlooks;
- requirements and guidelines for the use of capacity, especially on highly utilised or congested infrastructure;
- outlooks on PSO development;

Additionally, four elements may be made as **national requirements** for the IM:

- requirements on timetable design,
- minimum capacity reservations,
- pre-planning on certain sections and nodes, and
- national parameters for capacity partitioning and conflict resolution.

Strategic guidance is not legally binding on the IM, whereas national requirements may be binding on the IM in respect of the aforementioned elements provided for in the Capacity Regulation.

IM's responsibility to optimise capacity

The Capacity Regulation requires strategic guidance to respect the IM's operational responsibilities, in particular those listed in Article 2 of the Capacity Regulation. IMs must retain their management independence and the responsibility for railway infrastructure capacity management and rail traffic management as provided for in the SERA Directive through a minimum operational margin.

From the objectives set out in Article 2(4), and in particular the objectives of making optimum effective use of available railway infrastructure, ensuring equitable access to railway infrastructure and enabling seamless cross-border traffic, it follows that strategic guidance by the Member State must not commit such a proportion of available capacity or cause any other constraints that deprive the IM of the operational margin necessary to fulfil those objectives.

¹ Regulation (EU) 2026/1184 of the European Parliament and of the Council of 20 May 2026 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, ELI: <http://data.europa.eu/eli/reg/2026/1184/oj>.

² For example, Article 15 requires IMs to consult with all operational stakeholders when developing the capacity strategy, capacity model and capacity supply plan.

³ Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area, ELI: <http://data.europa.eu/eli/dir/2012/34/oj>

2. Core principles for strategic guidance

Where Member States choose to provide strategic guidance, EIM suggests that the following principles should apply: high-level, transparent, proportionate and coordinated guidance that preserves the IM's operational responsibilities, management independence and optimisation role under the Capacity Regulation and the SERA Directive.

Principle 1 — Strategic guidance should be high-level

Strategic guidance should define **policy objectives and planning priorities** on a national or general level and have a long-term time horizon. It may indicate desired outcomes, such as improved regularity, better cross-border freight paths, PSO stability, or better use of congested nodes, but it should avoid prescribing individual paths, detailed slot patterns, or rigid capacity partitions.

Principle 2 — Strategic guidance shall ensure the IM's operational margin

The term 'operational margin' should be interpreted as the flexibility and decision-making room that the IM needs to fulfil all its legal responsibilities under Article 2(4) of the Capacity Regulation,⁴ including optimisation, non-discrimination, performance management, maintenance planning, adaptation, disruption management and cross-border coordination. This guarantees that the IM has the tools to provide capacity objects or paths of sufficient quality to the applicants.

Principle 3 — Strategic guidance should be coordinated with investment planning

Strategic guidance provided should be coherent with the infrastructure development, investment and financing framework established under Article 8 of the SERA Directive. Therefore, strategic guidance objectives should be supported by infrastructure investment and funding outlooks capable of delivering the required network capacity. Article 4(5) of the Capacity Regulation also provides that Member States may compensate IMs for losses arising from compliance with strategic guidance.

Without adequate financing supporting infrastructure development, strategic guidance risks setting objectives on which the IM cannot deliver. Binding requirements on timetable design, capacity reservations or pre-planning should therefore be assessed in light of their operational and financial impact on the IM, taking account of the compensation option under Article 4(5).

Principle 4 — Strategic guidance should be procedurally harmonised

Article 4(4) requires Member States to coordinate with each other in accordance with Article 56 in order to ensure consistency between strategic guidance affecting international passenger and freight services. At the same time, Article 55 requires IMs to coordinate with one another through focal points regarding cross-border traffic and railway infrastructure works with significant international impact.

It follows that effective coordination of cross-border capacity requires a broadly aligned European coordination for implementing strategic guidance including the deadlines when strategic guidance and national requirements are provided, if at all. On-time provision of strategic guidance is necessary for the IM to be able to take it into account in the strategic capacity planning in accordance with the process timeline provided for in Section 2 of Annex I.

3. Recommendations for Member States

Timing

EIM recommends coordinating and publishing strategic guidance before the IM starts preparing their capacity strategy, so that it can be considered in the strategic capacity planning process. Providing strategic guidance sufficiently in advance is a precondition for enabling the IM to take it into account in the strategic capacity planning process ahead of the given working timetable. Strategic guidance introduced at a later stage would disrupt the planning process and affect the IM's ability to effectively exercise its operational responsibilities, as mentioned in point 1 of the present document.

If a Member State does not provide its strategic guidance before the publication of the consultation on the capacity strategy for a given timetable year, the IM cannot legally incorporate that guidance into the capacity model or capacity supply plan for that timetable year.

EIM recalls that Annex I, section 2 of the Capacity Regulation requires IMs to start the capacity strategy elaboration phase at X-60 months. Strategic guidance should therefore be coordinated and consistent with other

⁴ See below for an extended description of the aspects of operational margin.

Member States and published no later than X-60. **In this context, EIM supports the proposed sequencing, whereby Member States would announce their intention to update strategic guidance at X-70, start co-ordination at X-68 and publish coordinated strategic guidance at X-62 for working timetables starting in December 2032 and beyond, as it provides sufficient time for IMs to assess the operational consequences of the strategic guidance and to integrate it into their capacity planning activities before the start of the capacity strategy elaboration phase.**

For the first working timetable periods under the new framework, namely those starting in December 2030 and December 2031, EIM acknowledges the need for a shortened schedule. However, strategic guidance should still be coordinated and published in time for the IM to take it into account when elaborating the draft capacity strategy.

Frequency

EIM considers that strategic guidance should be a stable, multi-annual document. This is consistent with other provisions of the EU rail regulatory framework, as well as with the approach proposed by the Member States, which refers to strategic guidance as a document with multi-annual goals valid over an appropriate period defined by Member States. Changes to strategic guidance should remain limited and predictable. Where a change has a major impact on cross-border traffic, it should trigger a new round of coordination between Member States and, where relevant, consultation with the affected IMs

As a general recommendation, EIM suggests that Member States align the update cycle for strategic guidance with the multi-year strategic capacity planning cycle. In practical terms, this would also be consistent with the stipulations of Article 8 of Directive 2012/34/EU.

Consultation and cross-border coordination

As a reasonable procedural standard, Member States should provide for:

1. early consultation with the relevant IMs before publication of draft strategic guidance;
2. coordination with neighbouring Member States where international or multi-network services or major national nodes may be affected;
3. specific coordination of binding elements of strategic guidance, which are foreseen to have major cross-border effects, with neighbouring Member States before publication; and
4. publication of a short summary explaining how IM input and cross-border coordination were taken into account.

Early consultation with the IM should improve operational feasibility and compatibility with capacity planning responsibilities, particularly for binding elements. It is also suggested that the strategic guidance becomes subject to consultation with relevant market actors. Cross-border coordination between Member States should cover present and plausibly future international passenger and freight services, applying the procedural standards below.

4. Interpretation of “operational margin”

EIM proposes giving the term “operational margin” three dimensions:

Capacity margin

A minimum share of available capacity on given sections and nodes of the network should remain uncommitted by strategic guidance. It should be taken into account whether the given infrastructure is highly utilised or congested.

Article 2(4), especially point (c) thereof on equitable and transparent access, requires room for the IM to plan and allocate capacity according to its own appraisal and the analysis specified in the Capacity Regulation.

Functional margin

The IM must retain operational discretion when translating strategic guidance into concrete capacity planning and allocation decisions. Even where a Member State provides binding elements of strategic guidance, such as minimum capacity reservations or specific timetable designs, the IM must have the flexibility needed to allow for optimal capacity use, maximising the integration of requests from all market segments, and/or incorporate specifications linked to timetable design according to the requirements of the Capacity Regulation.

EIM reiterates that the IM is responsible for the management of railway infrastructure capacity and rail traffic management according to the Capacity Regulation.⁵ Therefore, it must be able to balance competing demands, respond to operational constraints, coordinate with neighbouring IMs and ensure transparent, equitable and non-discriminatory access.

Temporal margin

Strategic guidance should be published sufficiently ahead of the IMs start of the elaboration of strategic capacity planning. The timeline provided above, if followed, would allow IMs to take into account the strategic guidance and share its capacity strategy within the foreseen timelines. In the case of the first two timetable years where the Capacity Regulation will be in full effect (2031 and 2032), the timeline is slightly compressed, leading strategic guidance to be given at the latest before the end of 2026 for timetable year 2031, and at the end of 2027 for timetable year 2032.

Furthermore, following the recommendations above would allow for consistent multi-year capacity planning and the effective use of framework agreements, annual allocation, rolling planning and ad hoc requests.

5. Conclusion

EIM welcomes strategic guidance as a means of aligning national transport policy, infrastructure development and capacity planning, while supporting the Single European Railway Area and international rail services.

Its implementation should preserve the balance between Member States' strategic role and IMs' independent, transparent and non-discriminatory capacity management. The principles and recommendations above provide a framework for maintaining this balance in practice. In particular, Member States should ensure that strategic guidance is published sufficiently early, remains stable over time, is aligned with infrastructure development and financing planning, and does not create incompatible requirements for neighbouring networks.

EIM stands ready to continue engaging constructively with Member States, the European Commission, ENIM and other stakeholders to support the effective and coordinated implementation of strategic guidance across the European railway network.

About EIM

EIM, the association of European Rail Infrastructure Managers, was established in 2002 to promote the interests and views of the independent infrastructure managers in Europe, following the liberalisation of the EU railway market. It also provides technical expertise to the appropriate European bodies such as the European Railway Agency. EIM's primary goal is promoting growth of rail traffic and the development of an open sustainable, efficient, customer orientated rail network in Europe. For further info, please consult <https://www.eimrail.org/>

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⁵ Article 2(2) of the Capacity Regulation.