

CONSULTATION GUIDELINES UNDER ART. 57(2) OF THE CAPACITY REGULATION

DRAFT AVAILABLE FOR CONSULTATION



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1 CHAPTER I — INTRODUCTION AND GENERAL PROVISIONS

1.1 Purpose and scope

Regulation EU 2026/1184 on the use of railway infrastructure capacity in the single European railway area, amending Directive 2012/34/EU and repealing Regulation (EU) No 913/2010¹ (“the Capacity Regulation”) requires the European Network of Infrastructure Managers (ENIM), the network coordinator (NC) and infrastructure managers (IMs) to consult interested parties on a range of issues related to capacity management, traffic management and performance review. To this end, Article 57 of the Capacity Regulation requires ENIM to develop, adopt and implement Consultation Guidelines establishing a framework for regular and appropriate stakeholder consultation.

The present consultation guidelines (“CG”) establish the principles, rules and procedures governing consultations conducted by ENIM, the NC and IMs on matters of European relevance or having a cross-border dimension. They aim to ensure that consultation activities are carried out in a consistent, transparent and effective manner, thereby supporting coordinated decision-making and the harmonised implementation of the Capacity Regulation across the Single European Railway Area.

The CG primarily address consultation activities relating to European and cross-border matters. Consultations concerning issues of a purely national nature, involving a single infrastructure manager and/or allocation body, fall outside their scope. Nevertheless, infrastructure managers remain subject to consultation obligations under the Capacity Regulation in relation to their own planning, allocation, operational and post-operational processes. The common consultation principles set out in Chapter III of these CG may also inform such consultations, while the detailed consultation requirements applicable to infrastructure managers are further specified in the relevant European Frameworks adopted pursuant to Articles 7(1), 46(1) and 52(1) of the Capacity Regulation.

The present consultation guidelines

- summarize the relevant legal requirements and provisions (Chapter II),
- set out the overall consultation approach and general consultation principles for consultation at European, cross-border and IMs levels (Chapter III) and
- define concrete components for consultation procedures at European level, addressing practical aspects of such consultations (Chapter IV and annexes).

These CG apply to the consultations explicitly required under the Capacity Regulation as listed in section 2.1.

¹ see <https://eur-lex.europa.eu/eli/reg/2026/1184/oj>

In addition to consultations related to legal obligations, ENIM, the NC and IMs may carry out complementary stakeholder engagement activities as referred to in section 3.6.

1.2 Legal basis and other relevant documents

The legal basis for these consultation guidelines consists in²:

- the Capacity Regulation (Regulation 2026/1184 on the use of railway infrastructure capacity in the single European railway area);
- the SERA Directive (Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area).

The consultation guidelines are consistent with the following documents:

- (draft) [Decision of the European Network of Infrastructure Managers \(ENIM\) of 23 September 2026 on the appointment of the railway network coordinator of the single European railway area](#);
- (draft) [ENIM Rules of Procedure](#);
- (draft) [ENIM Work Program](#);
- (draft) [network coordinator Work Program](#).

² In addition, consistency has been verified with consultation requirements in the Telematics TSI (Commission Implementing Regulation (EU) 2026/253 on technical specification relating to the telematics subsystem of the rail system in the European Union for interoperability of data sharing in rail transport) and the TEN-T Regulation (Regulation (EU) 2024/1679 of the European Parliament and of the Council of 13 June 2024 on Union guidelines for the development of the trans-European transport network, amending Regulations (EU) 2021/1153 and (EU) No 913/2010 and repealing Regulation (EU) No 1315/2013 (Text with EEA relevance).

2 CHAPTER II - LEGAL REQUIREMENTS

This section summarizes the legal consultation requirements, as set out in the relevant legislation and ENIM documents and decisions (see section 1.2). Annex I gives a complete overview of consultation requirements, by all responsible entities and including all addressees.

The applicable legal provisions define the entities responsible for conducting consultations, the addressees of the consultations, the principles governing consultations and certain requirements relating to procedures and timelines.

2.1 Consultation obligations

The Capacity Regulation establishes consultation obligations applicable to various activities and documents conducted or prepared by ENIM, the NC and IMs.

2.1.1 Consultation obligations of ENIM

Pursuant to the Capacity Regulation, ENIM is responsible for conducting consultations on:

- the European Framework for Capacity Management (EFCM) [Article 7(3) and 7(4)];
- the European Framework for the coordination of cross-border traffic management, disruption management and crisis management (EFTM) [Article 46(3) and 46(4)];
- the European Framework for Performance Review (EFPR) [Article 52(3) and 52(4)];
- the ENIM Work Programme [Article 58(11)];
- ENIM opinions or recommendations, not related to European frameworks, likely to have a substantial impact on applicants, other operational stakeholders or interested parties [Article 57(3)];
- Moreover, ENIM must consult on the present consultation guidelines, in accordance with Article 57(2) of the Capacity Regulation.

2.1.2 Consultation obligations of the network coordinator

Pursuant to the Capacity Regulation, the network coordinator is responsible to consult on the response to and the management of network disruptions [Article 48(5)].

2.1.3 Consultation obligations of infrastructure managers

Pursuant to the Capacity Regulation, specific consultation obligations must be implemented at the level of individual IMs and in coordination with other IMs for European and cross-border matters. These consultation obligations concern the preparation of strategic capacity planning documents, the management of infrastructure works and capacity restrictions, the development of the working timetable, traffic and disruption management and performance review.

2.2 Addressees of consultation

The addressees of consultation differ between the individual consultation obligations. The complete list of addressees includes:

- “European Railway Platform” (“ERP”) (Art 63)³
- “Operational stakeholders” (“OS”) (Art 5(3)) means an applicant, railway undertaking, infrastructure manager, competent authority as referred to in Regulation (EC) No 1370/2007, operator of service facilities and any other entity directly involved in operating a rail transport service.
- “Applicants” (Directive 2012/34/EU) means a railway undertaking or an international grouping of railway undertakings or other persons or legal entities, such as competent authorities under Regulation (EC) No 1370/2007 and shippers, freight forwarders and combined transport operators, with a public-service or commercial interest in procuring infrastructure capacity]
- Other operational stakeholders as referred in Article 5(3) of the Regulation
- The European Commission
- The European Union Agency for Railways (ERA)
- Europe’s Rail Joint Undertaking⁴
- Member States
- European Network of Rail Regulatory Bodies (ENRRB)⁵
- In some cases, a broader range of addressees (interested parties, additional stakeholders) must be consulted as appropriate, e.g. based on the nature or potential impact of certain consultation.

2.3 Legal principles governing consultations

The consultation obligations under the Capacity Regulation are governed by several principles applicable to ENIM, the network coordinator and infrastructure managers.

³ ERP may not be established for the initial consultation of ENIM Work Programme, the present consultation guidelines and even the EFCM. Meanwhile operational stakeholders are encouraged to consolidate their input and submit it to ENIM.

⁴ And its successor.

⁵ The potential participation of ENRRB in the consultation processes is independent from the requirement for the European Frameworks that ENIM shall additionally take utmost account of the recommendations issued by ENRRB prior to adoption (see point 2.4.1).

2.3.1 General principles applicable to IMs

In accordance with the Article 2(4) of the Capacity Regulation, infrastructure managers shall ensure:

- the optimum use of available infrastructure capacity;
- the maximisation of value for society;
- non-discriminatory, equitable and transparent management of infrastructure;
- seamless rail traffic across networks and borders;
- transparency concerning the condition and availability of infrastructure;
- the improvement of railway performance; and
- contribution to the development of the Single European Railway Area through common rules and standards.

2.3.2 Commercial confidentiality of information provided to IMs

Unless disclosure is required by mandatory national law, infrastructure managers shall respect the commercial confidentiality of information received during consultation processes, in accordance Article 3(2) of the Capacity Regulation. This may include anonymisation of information where appropriate.

2.3.3 Consideration of stakeholder feedback

The Capacity Regulation requires ENIM and IMs to consider feedback and recommendations received through consultation and coordination processes. The level of consideration depends on the source and nature of the input received.

Requirements regarding the consideration of stakeholder feedback

Under Article 57(4), ENIM shall take account of feedback received from consulted parties when developing the CG and adopting opinions and recommendations subject to consultation. Where significant feedback is not taken into account, ENIM shall provide reasons for this decision.

Although Article 57(4) refers specifically to the CG and ENIM opinions and recommendations, the same principles should also govern consultations carried out under these CG, including consultations on the European Frameworks and the ENIM Work Programme, as well as consultations carried out by IMs for cross-border matters.

Recommendations from ENRRB

For the three European Frameworks, ENIM is required to submit the final draft to the European Network of Rail Regulatory Bodies (ENRRB). When adopting the final Frameworks, ENIM shall take

the utmost account of the ENRRB recommendation. Similar requirements apply to the common structure of the Network Statement.

Consideration by Infrastructure Managers

Infrastructure Managers shall also take consultation feedback into account when developing and implementing capacity management processes, including strategic capacity planning, capacity allocation, capacity restrictions and related operational processes, where consultations are required. Consultation outcomes shall be reflected in relevant processes, methodologies and planning documents where appropriate.

Principles for the consideration of feedback are defined in Section 3.3

2.4 Specific requirements regarding addressees of consultations and timelines

2.4.1 Consultations by ENIM

(1) European Frameworks

ENIM shall publish the draft European Frameworks for consultation with

- the European Railway Platform (ERP)⁶;
- operational stakeholders as defined in Article 5(3) of the Regulation.

Exact dates for the deadline of publication are not indicated in the Capacity Regulation. However, working backwards from the deadlines for submission of the final draft frameworks to ENRRB (12 June 2027 for EFCM, 12 October 2027 for EFTM and 12 February 2028 for EFPR), and taking into account the three-month stakeholder consultation period, the documents must be published no later than the following dates:

- EFCM: 12 March 2027
- EFTM: 12 July 2027
- EFPR: 12 November 2027

ENRRB shall issue its recommendation within three months following receipt of the draft framework.

(2) ENIM Work Programme

ENIM shall publish the draft ENIM Work Programme for consultation.

Addressees shall be granted four weeks to provide feedback.

⁶ ERP may not be established for the initial consultation of ENIM Work Programme, the present consultation guidelines and even the EFCM. Meanwhile operational stakeholders are encouraged to consolidate their input and submit it to ENIM.

For the ENIM Work Programme, ENIM shall consult:

- (mandatory) Operational and sector stakeholders
 - (a) European Railway Platform (ERP)
 - (b) Applicants
 - (c) Other operational stakeholders as referred in Article 5(3) of the Regulation
- (mandatory) European institutions and bodies
 - the European Commission
 - the European Union Agency for Railways (ERA)
 - the Europe's Rail Joint Undertaking
- (as appropriate) Additional stakeholders
 - other stakeholders identified as appropriate, based on the nature or potential impact of the work programme.

(3) ENIM Opinions and Recommendations

ENIM shall publish draft opinions and recommendations for consultation.

Addressees shall be granted six weeks to provide feedback.

For any other consultation obligations related to ENIM's opinion or recommendation likely to have a substantial impact on applicants, other operational stakeholders or interested parties, ENIM shall consult:

- the ERP;
- applicants and operational stakeholders;
- interested parties.

(4) Consultation Guidelines

ENIM shall publish the draft consultation guidelines for consultation with the ERP. The Capacity Regulation does not specify a mandatory consultation deadline for this process.

2.4.2 Consultation by NC

NC shall collect information on network disruptions and consult on the management of such incidents, and report to ENIM and the Advisory Performance Panel. The Capacity Regulation does not specify a mandatory consultation deadline for this process.

2.4.3 Consultation by IMs

The addressees and timelines of consultations to be carried out by infrastructure managers, either individually or at cross-border level, differs between specific consultation requirements; see the list of addressees in section 2.2 and Annex I.

Article 57(2) of the Capacity Regulation requires consultation mechanisms specifically for cross-border matters; key principles for this mechanism are set out in section 3.7, while the consultation procedures for specific consultation requirements are defined in the European Frameworks.

3 CHAPTER III — CONSULTATION APPROACH & PRINCIPLES

The Capacity Regulation defines a multitude of consultation obligations for ENIM, NC and infrastructure managers (see legal requirements in Chapter II). These consultations concern documents and processes that vary considerably in nature, ranging from frameworks providing general guidelines at EU level to very specific planning, allocation and operational processes. Individual consultation procedures and activities must therefore reflect the specifics of the issues, documents and processes subject to consultation obligations.

The purpose of the consultation approach and the principles set out in this Chapter is to provide a general framework for consultation procedures and activities, supporting the following objectives:

- support consistency between all consultation procedures and activities;
- guide the design of consultation procedures and the conduct of consultation activities;
- support legal and regulatory compliance by the responsible entities;
- create transparency for all players involved in consultation activities, for regulatory bodies and other public authorities and for any other interested party.

The consultation approach and principles specify:

- the purpose and objectives of consultation activities;
- the roles of all players involved in consultation activities;
- general requirements, resulting from legislation or adopted by ENIM, to be respected in the design, planning and conduct of any consultation activities, and also applying to consultations by NC and IMs.

3.1 General approach to stakeholder consultation

Stakeholder consultations by ENIM, NC and IMs are comprehensive, deliberate processes that involves identifying, consulting with, and sustaining constructive ongoing dialogue with relevant stakeholders - those that are impacted by or have an interest in ENIM's, NC's and IMs' activities, especially related to European and cross-border matters.

Stakeholder consultation by ENIM, NC and IMs are understood as:

- A participatory process that enables stakeholders to express their views, raise concerns, contribute to the development and the revision of documents and activities of the responsible entities.

- A formal mechanism to collect evidence — including data, opinions, and operational and practical insights — to improve the quality and credibility of the work of the responsible entities.
- A transparency tool that strengthens broad and targeted participation by ensuring that the work of the responsible entities is open, inclusive, and responsive to railway market needs.

Stakeholder consultation by ENIM, NC and IMs encompass activities such as identifying stakeholders, planning consultation activities, sharing information, gathering feedback, monitoring responses, considering the inputs and, where necessary, addressing issues not considered in the final documents and activities of the responsible entity, throughout a consultation lifecycle.

Stakeholder consultation by ENIM, NC and infrastructure managers is essential because it:

- improves evidence quality by integrating diverse sources of knowledge (quantitative data, qualitative insights, expert advice);
- enhances legitimacy by involving those impacted by activities and decisions of the responsible entities;
- supports better regulatory and operational outcomes by identifying risks, unintended consequences, and practical implementation challenges early in and throughout the process.

By way of further clarification, Box 1 provides a negative definition of stakeholder consultation, i.e. describing what stakeholder consultation is not.

BOX 1 – What stakeholder consultation is NOT

Stakeholder consultation by ENIM, NC and infrastructure managers is **not to be understood** as:

- **A decision-making process:** Consultation does not transfer decision-making authority to stakeholders. Final decisions remain the responsibility of the responsible entities.
- **A consensus-building obligation:** While the responsible entities seek to consider diverse perspectives, consultation does not require agreement among stakeholders or unanimity on outcomes.
- **A guarantee of acceptance of stakeholder contribution:** While all contributions will be taken into account, not all can necessarily be incorporated. Stakeholder contributions are incorporated based on an assessment against defined criteria (section 3.3).
- **A negotiation forum:** Consultation is not intended to serve as a platform for bilateral or multilateral negotiations between stakeholders or with the responsible entities.
- **A purely formal or procedural exercise:** Consultation must be meaningful and conducted in good faith by the responsible entities and consultation addressees; it is not a “box-ticking” exercise.
- **A substitute for regulatory or governance processes:** Consultation serve but does not replace regulatory oversight or legal procedures.
- **An unlimited or open-ended process:** Consultations are conducted within defined objectives, scopes, timelines, and resource constraints.
- **An early-on pre-allocation process:** consultation does not result in granting capacity rights to individual applicants or prejudice the outcomes of conflict resolution procedure.

3.2 Fundamental consultation principles

In the light of the general approach to consultation set out in section 3.1 and of the legal requirements outlined in Chapter II of these guidelines, ENIM, NC and IMs shall conduct all consultations in accordance with the following principles:

- **Inclusivity:** all stakeholders and organisations/structures properly identified as addressees of consultations shall be given the opportunity to participate in consultations and shall be proactively informed about consultation activities through appropriate outreach activities.

- **Transparency:** all procedures, activities, shall be clearly communicated to the respective addressees; and in the absence of legal or regulatory impediments, material related to consultations shall be published.
- **Non-discrimination:** all stakeholders shall be treated fairly throughout the consultations, without preferential treatment in terms of the possibility to participate in consultation activities and of the consideration of consultation feedback received (in accordance with Article 10 of Directive 2012/34/EU).
- **Confidentiality:** requirements regarding the commercial confidentiality of information provided under the Capacity Regulation and Directive 2012/34/EU and other relevant law will be respected, where relevant through anonymisation.
- **Accountability:** all relevant consultation outcomes and their impact shall be documented and, where required, supported by the underlying reasoning.
- **Proportionality:** consultation activities shall be prepared, conducted and finalised in a way reflecting the relative importance of legitimate expectations, interests and requirements of the interested parties and taking into account the regulatory intent of the relevant legal requirements.
- **Efficiency:** consultation activities shall be planned and coordinated to avoid unnecessary duplication, make efficient use of existing consultation mechanisms and minimise administrative and operational burden for the responsible entity as well as for the addressees of consultation, while ensuring that consultation objectives and legal requirements are fully met.

The responsibilities for the consultations will be exercised in compliance with the general principles for access to railway infrastructure set out in Article 10 of Directive 2012/34/EU⁷ and the general responsibilities and principles for the management of railway infrastructure capacity set out in Article 2(4) of the Capacity Regulation.

As regards the requirement for IMs to respect the commercial confidentiality of information provided to them (see section 2.3.2), stakeholders may request specific and restricted treatment for commercially confidential information contained in their submissions, in line with the criteria and procedures defined for specific consultations in the European Frameworks. This shall be treated in accordance with the European and national laws.

⁷ <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02012L0034-20190101>

3.3 Principles and criteria guiding the (non-) incorporation of stakeholder feedback in the revision of documents

The (non-) incorporation of stakeholder input is guided by the following principles:

- **Competence and legal/regulatory consistency** – Is the input within the competence of ENIM and/or infrastructure managers, and is its incorporation consistent with applicable legislation, regulatory requirements and relevant policy objectives?
- **Relevance to the consultation** – Is the input relevant to the subject matter, scope and time horizon of the consultation?
- **Stakeholder interest and substantiation** – Does the input clearly relate to the addressee's legitimate interests and is it specific, reasoned and, where appropriate, supported by evidence? Are relevant interests, assumptions and constraints transparently disclosed? Does the contribution seem to be made in good faith?
- **Non-discrimination and merits-based assessment** – Is the input assessed objectively and on its merits, applying the same criteria to comparable situations and avoiding preferential treatment of particular stakeholders or interests?
- **Proportionality, feasibility and effectiveness** – Would incorporating the input be proportionate, practicable and achievable within the relevant constraints and time horizon? Is it likely to deliver the intended benefits and represent an efficient use of resources?
- **Overall system impact and balanced outcomes** – How would incorporation affect other stakeholders and the railway system as a whole, including the use of available infrastructure capacity, cross-border traffic, societal value and the development of the Single European Railway Area? Where interests or objectives conflict, the assessment should seek the best overall outcome rather than maximise any individual stakeholder interest.

Stakeholder input that cannot be incorporated based on the criteria set out above, but which may be relevant in other contexts (subsequent consultations, work of other stakeholders) may be reported as such.

Where relevant, specific criteria for the (non-) incorporation of stakeholder feedback may be set out for individual consultation processes or for individual consultations. These criteria will be defined in the description of individual consultation processes, e.g. in the European frameworks, or as part of the consultation process itself.

In addition to following the principles above, ENIM and IMs provide transparency and accountability about the (non-) incorporation of stakeholder feedback by following a standardised consultation process that allows tracking all stages from the initial document submitted for consultation, to the stakeholder input received, the assessment of the stakeholder input by ENIM / IMs and the revised document. See Annex III for a generic outline of this process.

The exact process will be defined for each individual consultation, with the aim of providing the largest degree of transparency and accountability while meeting the specific constraints of the

consultation at hand, notably in terms of commercial confidentiality. The consultation procedures carried out by ENIM and the network coordinator are set out in Annex II, the consultation procedures carried out by infrastructure managers, either individually or at cross-border level, are set out in the European frameworks.

3.4 Consultations on regularly prepared or updated documents and processes

Consultation requirements are not only triggered by the first publication of a document but also for updates and/or amendments of documents. The Capacity Regulation explicitly requires consultation following an update of the EFCM, EFTM and EFPR (Articles 7(5), 46(5) and 52(6)).

In general, consultations will be carried out for documents subject to consultation requirements that are either regularly prepared and adopted (e.g. on an annual basis) or which are subject to a major update. This concerns in particular strategic capacity planning documents (Articles 15, 18, 19 and 20), as well as documents and deliverables related to capacity restrictions resulting from infrastructure works (Article 11 and 37), capacity analyses and enhancement plans (Article 24 and 25), consultation guidelines (Article 57), the ENIM Work Programme (Article 58) and the common structure and schedule for Network Statements (Article 59). The consultation shall be conducted in accordance with the requirements and procedures established by the Capacity Regulation and the present consultation guidelines.

3.5 Approach to consult with the European Railway Platform

In accordance with Article 63 of the Capacity Regulation, operational stakeholders other than infrastructure managers may establish the European Railway Platform (ERP) to enable close and structured consultation between infrastructure managers and other operational stakeholders.

The ERP will play an important role in consolidating the views and positions of operational stakeholders other than IMs and in supporting a structured dialogue with infrastructure managers. ENIM considers the ERP its direct counterpart and in this role facilitator of effective and efficient consultations.

On 11 June 2026, FTE, ALLRAIL, ERFA, UIRR, CER and FEPORT have submitted a proposal to establish ERP to the European Commission⁸. The process of establishing the ERP has been initiated but is not yet finalised at the time of drafting these consultation guidelines. As the organisational structure and functioning of the ERP have not yet been determined, the consultation guidelines will be reviewed and, where necessary, revised following the establishment of the ERP (see section 5.1).

⁸ See press release [2026-06-11_Press Release ERP Submission-1781164943.pdf](#)

3.6 Complementary stakeholder engagement activities

The present consultation guidelines address the consultation of interested parties in accordance with Article 57(2) of the Capacity Regulation (see section 1.1).

ENIM, the NC and IMs acknowledge the importance of an effective, efficient and transparent dialogue with operational stakeholders.

For this purpose and where relevant, ENIM, the NC and IMs may carry out complementary engagement activities with interested parties. The purpose of such activities is to complement stakeholder consultations with a view to focus on issues requiring specific attention or to ensure the continuity of stakeholder involvement. Complementary stakeholder engagement activities shall not replace the stakeholder consultations carried out in accordance with Article 57(2). Interested parties may indicate their interest to engage with ENIM, the NC and/or IMs on specific matters. However, the competence to launch such engagement activities remains with ENIM, the NC and/or IMs.

Where relevant, useful and possible, such stakeholder engagements will reflect the general approach and principles set out in Chapter 3 of these consultation guidelines. The specific rules of engagement (purpose, objectives and procedures) will be defined by the entity organising the engagement activity (ENIM, NC and/or IMs). Information about stakeholder engagement activities will be shared with the addressees in a transparent and non-discriminatory manner.

3.7 Principles for cross-border consultation mechanisms

In line with the general requirement for infrastructure managers to ‘enable seamless traffic across more than one network’ (Recital (3) and Article 2(4)), Article 57(2) of the Capacity Regulation requires ENIM to develop specific mechanisms for stakeholder consultation on cross-border matters.

Cross-border consultations with stakeholders are explicitly required (see also Annex I) on capacity restrictions resulting from infrastructure work (Article 11(3)), on strategic capacity planning, in particular the capacity strategy, the capacity model and the capacity supply plan (Article 15(2)), on capacity analyses (Article 24(3)), and in the context of network disruptions (Article 48(5) and of crisis situations (Article 49(4)). Common consultations may be required for the conduct of the consensual conflict resolution mechanism (Art 38(4)).

The provisions of Articles 55 and 57 of the Capacity Regulation introduce a close relation between coordination among infrastructure managers and cross-border stakeholder consultations. Specifically, Article 55(2)(e) of the Capacity Regulation requires infrastructure managers to appoint a leading entity reporting to ENIM on the coordination among infrastructure managers. This leading entity is also in charge of organising cross-border stakeholder consultations, together with focal points identified by infrastructure managers and, in specific cases, the network coordinator.

In line with the consultation principles set out in section 3.2, in particular the principle of efficiency, the cross-border consultation mechanism should therefore be closely aligned – or, where possible and useful, integrated into – the structures, procedures and tools for coordination

among infrastructure managers. The development of coordination and consultation mechanisms, structures, procedures and tools should be closely coordinated.

The principles for cross-border consultation mechanisms will therefore be elaborated in future versions of the consultation guidelines, following review and amendment in accordance with section 5.1, and in close coordination with the preparation of the relevant provisions in the European Frameworks.

4 CHAPTER IV — CONSULTATION PROCEDURES

4.1 Practical execution of consultation activities

This section outlines generic procedures to implement consultation activities in practice. Those procedures shall be reviewed and adjusted following the consultation activities to ensure the effectiveness, the quality and the credibility of the present consultation guidelines, in accordance with Chapter V.

The responsibility to carry out stakeholder consultation differs between different consultation obligations (see section 2.1 for an overview). In order to describe consultation procedures in a generic manner, this chapter therefore refers to the ‘responsible entity’.

Annex II provides the detailed procedure for each consultation by ENIM and NC.

The consultation procedures conducted by ENIM and the NC will be entirely and only in English.

In accordance with the ENIM documents and decisions referred to in section 1.2, the network coordinator will carry out in support of ENIM consultation and all needed exchanges with all relevant stakeholders, including ENRRB, for the preparation of ENIM documents.

4.2 Information and publication of draft documents

The launch of consultation activities shall be announced within a reasonable timeframe prior to the publication of draft documents.

Draft documents subject to consultation shall be made available through the appropriate communication channels, including the entity’s website as referred to in section 2.1, or dedicated consultation and engagement platforms. The publication of draft documents shall mark the formal opening of the consultation period.

Unless specified otherwise in this chapter, in Annex II or in the European Frameworks, the documents for consultations will be publicly available and not limited to the legally required addressees (see section 2.2 and Annex I).

The responsible entity shall take appropriate measures to ensure that stakeholders are informed of ongoing consultations through:

- Targeted information to required stakeholders and institutional actors (see addresses in section 2.2) via emailing.
- General information made available to all stakeholders via newsletters, sector fora, mailing campaigns and publication on the ENIM, NC and individual IMs websites, portals and communication channels.

The legal requirements about the duration of consultation periods are outlined in section 2.4, except for the consultations by IMs which are defined in the European Frameworks.

The responsible entity may publish reminders during the consultation period.

4.3 Submission of contributions

Stakeholder contributions shall be submitted through the communication channels or submission tools specified to the addressees.

The responsible entity may provide structured templates, questionnaires or guidance documents to facilitate the submission of contributions, as specified in Annex II and when publishing documents for consultation.

4.4 Supporting consultation channels and formats

In addition to written consultations, the responsible entity may organise supporting consultation channels and formats, including stakeholder events, meetings, and workshops.

Such consultation channels and formats are intended to present and facilitate understanding of draft documents, clarify stakeholder input and the consideration of stakeholder contributions by the responsible entity.

Summaries, recordings or minutes of such meetings may be published.

4.5 Analysis and consideration of stakeholder contributions

The consideration of feedback received will take into account the principles and criteria defined in sections 3.3 and 4.5.1

The responsible entity shall review and analyse the contributions received during the consultation process. Contributions shall be considered for the purpose of revising, improving and finalising the documents referred to in section 2.1.

The responsible entity shall publish all the feedback received within a reasonable timeframe following the closure of the consultation. Subject to confidentiality requirements, such publications may include anonymisation where requested or otherwise necessary.

4.5.1 Exclusion of contributions

The responsible entity shall exclude or disregard, in whole or in part, contributions that:

- contain offensive, abusive, defamatory or discriminatory language;
- are manifestly unrelated to the subject or objectives of the consultation;
- are repetitive, purely promotional or of a manifestly non-substantive nature;
- breach applicable legal obligations, including data-protection, confidentiality or intellectual-property rules;

- fail to comply with the formal submission requirements set out in the consultation procedure.

4.5.2 Consultation Report

Following the completion of consultation activities, the responsible entity may prepare a Consultation Report summarising:

- the consultation process conducted;
- the contributions received;
- how such contributions have been taken into account in the revision of the documents referred to in point 2.1; and
- where relevant, the reasons for not taking into account significant elements of stakeholder feedback.

Where appropriate, the Consultation Report shall be published together with the final document adopted following the consultation process.

4.6 Storage, processing and use of information submitted by stakeholders during consultations

- Information submitted during consultations shall be used exclusively for the purposes of analysing stakeholder views and supporting the preparation, revision and finalisation of the documents referred to in section 2.1.
- The responsible entity shall treat all stakeholders in accordance with fundamental principles defined in section 3.2, including regarding the handling, assessment, and consideration of information submitted during the consultations.
- Without prejudice to transparency obligations, commercially sensitive or confidential information identified as such by stakeholders shall be protected appropriately. Protective measures may include anonymisation, aggregation, restricted disclosure or redaction prior to publication.
- Any processing of personal data contained in stakeholder contributions shall be carried out in accordance with applicable EU legislation on the protection of personal data.

4.7 Adoption and publication of final documents

Following completion of the consultation process, the responsible entity shall finalise and adopt the relevant documents, taking into account:

- stakeholder contributions received during the consultation;
- the Consultation Report, where applicable; and
- any recommendations or opinions issued by competent bodies according to the legal requirements.

Final documents shall be made available through the appropriate communication channels together with any accompanying consultation documentation, where relevant.

5 CHAPTER V — FINAL PROVISIONS

5.1 Review and amendment

ENIM shall review these consultation guidelines periodically, in particular:

- upon decision by ENIM, in accordance with Article 53(4) and the preparation of the European Performance review report;
- following the establishment of the ERP and the first consultation cycles under the Regulation;
- to elaborate the principles for cross-border consultation mechanisms (section 3.7).

ENIM may amend and update these consultation guidelines following the assessment referred to above. The revised guidelines shall be published on the ENIM website.

Annex I: Overview of consultation requirements in the Capacity Regulation

(referred to in Chapter II)

Topic	Reference	Responsibility	Addressees
Consultations at European level (as part of defining harmonised EU framework conditions – guidelines, rules, processes etc.)			
European frameworks for CM / TM / PR	Art 7, 46, 52	ENIM	OS and ERP
Types of rail transport services considered in strategic capacity planning	Art 14	ENIM	OS and ERP
Consultation guidelines and ENIM's opinions and recommendations	Art 57	ENIM	OS and ERP interested parties Where necessary, Member States
ENIM Work Programme	Art 58	ENIM	OS and ERP European Commission European Union Agency for Railways Europe's Rail Joint Undertaking as appropriate, other stakeholders
Consultations at IM and cross-border level (as part of planning, allocation, operational and post-operational processes, specific requirements for cross-border consultations are indicated)			
Capacity restrictions from infrastructure works	Art 11, 37 Cross-border consultation: Art 11(3)	IMs	Applicants Operators of service facilities

Topic	Reference	Responsibility	Addressees
Strategic capacity planning (capacity strategy/model/supply plan)	Art 15, 18, 19, 20 Cross-border consultation: Art 15(2)	IMs	OS
Capacity analysis / capacity enhancement plan	Art 24 Cross-border consultation: Art 24(3)	IMs	applicants
	Art 25		Users of the relevant congested railway infrastructure/operational stakeholders
Specialised infrastructure	Art 26	IMs	Interested parties
Draft working timetable	Art 34	IMs	Interested parties
Consensual conflict resolution	Art 38 Cross-border consultation: Art 38(6)	IMs	Applicants concerned
Network disruptions	Art 48 Cross-border consultation: Art 48(5)	NC	OS
Crisis situations	Cross-border consultation: Art 49(4)	IMs	Interested parties

Annex II: Details of consultation procedures of ENIM and NC

(referred to in section 3.3 and 4.1)

This Annex sets out the details and steps of specific consultation procedures.

The overview covers the consultation procedures related to the following documents:

- the ENIM Work Programme;
- the present consultation guidelines;
- the three European Frameworks (EFCM, EFTM, EFPR);
- ENIM opinions and recommendations
- Consultation on Network disruption by NC

ENIM WORK PROGRAMME**Addressees of the consultation**

European Railway Platform (ERP)⁹; applicants; other operational stakeholders as referred in Article 5.3 of the Capacity Regulation; European Commission; European Union Agency for Railways (ERA); Europe's Rail Joint Undertaking; other stakeholders considered as appropriate based on the nature or potential impact of the work programme

Steps	Description
Announcement and launch of the consultation	Prior to the publication of the draft document, announcement about the consultation via ENIM website and link provided on NC website and mailing campaign
	The consultation will be launched via publication of the draft ENIM WP following ENIM founding plenary on 23rd September 2026 (first consultation of ENIM WP)
Accompanying activities to inform about the consultation	Information and mailing campaign addressed to operational stakeholders, with a particular focus on those that will form the ERP, once it has been established, as referred in Article 5(3) of the Capacity Regulation and all entities required in Article 58(11)

⁹ If ERP is not established at this point, coordination with existing sector associations who submit the proposal to DG MOVE will occur via ENIM, with support of NC

Steps	Description
	Invitation email to European Commission, European Union Agency for Railways (ERA), Europe's Rail Joint Undertaking to participate in the consultation.
	General information about the consultation through: ▪ Relevant sector fora ▪ IMs' own websites, portals and communication channels
	Publication of a reminder for the feedback collection one week prior the end of consultation period to the operational stakeholders (same communication channels as for the initial publication, including mailing campaign).
Gathering of feedback	Addressees shall be granted four weeks to provide feedback
	Dedicated place for submission of feedback on ENIM website and link will be provided on NC website (same as publication of draft)
	Format of feedback and supporting IT Tools with required functions: ▪ Structured form with specific fields
Analysis and consideration of stakeholder feedback	Review and analysis of feedback, with anonymisation if requested, aggregation, or redaction prior to publication
	Publication of feedback on ENIM website and link will be provided on NC website
	Consideration and integration of stakeholder feedback in the ENIM WP

Steps	Description
Adoption and publication of adopted ENIM work programme	Adoption of the final ENIM WP by ENIM plenary on 19 November 2026 and its publication of ENIM website

CONSULTATION GUIDELINES

Addressees of the consultation: European Railway Platform (ERP) ¹⁰

Steps	Description
Announcement and launch of the consultation	Prior to the publication of the draft document, announcement about the consultation via ENIM website and link will be provided on NC website and mailing campaign
	The consultation will be launched via publication of the draft consultation guidelines following ENIM founding plenary on 23rd September 2026 (first consultation of CG)
Accompanying activities to inform about the consultation	Information and mailing campaign aimed at European Railway Platform (ERP), with a particular focus on those that will form the ERP, once it has been established, and operational stakeholders as referred in Article 5(3) of the Capacity Regulation
	General information about the consultation through: ▪ Relevant sector fora ▪ IMs' own websites, portals and communication channels
	Publication of a reminder for the feedback collection one week prior the end of consultation period to the operational stakeholders (same communication channels as for the initial publication, including mailing campaign)
Gathering of feedback	Addressees shall be granted four weeks to provide feedback

¹⁰ If ERP is not established at this point, coordination with existing sector associations who submit the proposal to DG MOVE will occur via ENIM, with support of NC

Steps	Description
	Dedicated place for submission of feedback on ENIM website and link will be provided on NC website (same as publication of draft)
	Format of feedback and supporting IT Tools with required functions: Structured form with specific fields
Analysis and consideration of stakeholder feedback	Review and analysis of feedback, with anonymisation if requested, aggregation, or redaction prior to publication
	Publication of feedback on ENIM website and link will be provided on NC website
	Consideration and integration of stakeholder feedback in the consultation guidelines
	Publication of Consultation Report summarising feedback and providing reasoning for feedback not taken into account
Adoption and publication of adopted consultation guidelines	Adoption of the final consultation guidelines by ENIM plenary on 19 November 2026 and publication on ENIM website and link will be provided on NC website

EUROPEAN FRAMEWORKS

Addressees of the consultation: European Railway Platform (ERP) ¹¹; operational stakeholders as referred in Article 5.3 of the Capacity Regulation

Steps	Description
Announcement and launch of the consultation	Prior to the publication of the draft document, announcement about the consultation via ENIM website and link provided on NC website and on IMs websites and mailing campaign
	The consultation will be launched via publication of the draft EFCM following ENIM plenary on 19 November 2026 ¹²
Accompanying activities to inform about the consultation	Introduction webinar organised by ENIM to present the draft document, give stakeholder opportunity to ask questions for clarification.
	Information and mailing campaign aimed at European Railway Platform (ERP), with a particular focus on those that will form the ERP, once it has been established, and operational stakeholders as referred in Article 5(3) of the Capacity Regulation
	General information about the consultation through: ▪ Relevant sector fora ▪ ENIM and NC newsletters

¹¹ If ERP is not established at this point, coordination with existing sector associations who submit the proposal to DG MOVE will occur via ENIM, with support of NC

¹² The procedure applies to all 3 European Frameworks. The launch date refers to the EFCM.

Steps	Description
	IMs' own websites, portals and communication channels
	Publication of 2 reminders for the feedback collection, at midterm and one week prior the end of consultation period to the operational stakeholders (same communication channels as for the initial publication, including mailing campaign).
Gathering of feedback	Addressees shall be granted three months to provide feedback
	Dedicated place for submission of feedback on ENIM website and link will be provided on NC website and on IMs websites (same as publication of draft)
	Format of feedback and supporting IT Tools with required functions: - Structured form with specific questions and fields - Possibility to submit complementary documents via upload on ENIM website and link will be provided on NC website and on IMs websites
Analysis and consideration of stakeholder feedback	Review and analysis of feedback, with anonymisation if requested, aggregation, or redaction prior to publication
	Publication of feedback on ENIM website and link will be provided on NC website and on IMs websites
	Consideration and integration of stakeholder feedback in the EF
	Publication of Consultation Report summarising feedback and providing reasoning for feedback not taken into account

Steps	Description
	Closing webinar organised by ENIM to debrief stakeholders about the consideration of consultation feedback, give stakeholder opportunity to ask questions for clarification.
Consultation with ENRRB	ENIM shall submit the final draft frameworks to ENRRB within the deadlines established by the Capacity Regulation, namely 12 June 2027 for the EFCM, 12 October 2027 for the EFTM, 12 February 2028 for the EFPR.
	ENRRB shall issue its recommendation within three months following receipt of the draft framework.
Adoption and publication of adopted EF	Revision of the EF following the recommendations of ENRRB and adoption of the final EF
	Publication of the final EF on ENIM website and link will be provided on NC website and on IMs websites

ENIM OPINIONS AND RECOMMENDATIONS

Addressees of the consultation: European Railway Platform (ERP), operational stakeholders and interested parties

Steps	Description
Announcement and launch of the consultation	Prior to the publication of a draft document, announcement about the consultation via ENIM website and link will be provided on NC website and on IMs websites and mailing campaign
	The consultation will be launched via publication of the draft document following ENIM approval of it.
Accompanying activities to inform about the consultation	Information and mailing campaign aimed at European Railway Platform (ERP), and operational stakeholders as referred in Article 5(3) of the Capacity Regulation, and any interested parties
	General information about the consultation through: ▪ Relevant sector fora ▪ ENIM and NC newsletters ▪ IMs' own websites, portals and communication channels
	Publication of a reminder for the feedback collection one week prior the end of consultation period to the operational stakeholders (same communication channels as for the initial publication, including mailing campaign)
	ENIM may decide to organise further engagement activities to inform on the consultation
Gathering of feedback	Addressees shall be granted six weeks to provide feedback

Steps	Description
	Dedicated place for submission of feedback on ENIM website and link provided on NC website and on IMs websites (same as publication of draft)
	Format of feedback and supporting IT Tools with required functions: ▪ Structured form with specific questions and fields. ▪ Possibility to submit complementary documents via upload on ENIM website and link will be provided on NC website and on IMs websites
Analysis and consideration of stakeholder feedback	Review and analysis of feedback, with anonymisation if requested, aggregation, or redaction prior to publication
	Publication of feedback on ENIM website and link will be provided on NC website and on IMs websites
	Consideration and integration of stakeholder feedback in the ENIM document
	Publication of Consultation Report summarising feedback and providing reasoning for feedback not taken into account
Adoption and publication of adopted document	Adoption of the final document by ENIM and publication on its website and link will be provided on NC website and IMs websites

NC CONSULTATION ON NETWORK DISRUPTION

Addressees of the consultation: operational stakeholders

Steps	Description
Announcement and launch of the consultation	Prior to the publication of the draft document, announcement about the consultation via NC web-site and link will be provided on ENIM website and on IMs websites and mailing campaign
	The consultation will be launched via publication of the draft document following NC decision
Accompanying activities to inform about the consultation	Information and mailing campaign aimed at European Railway Platform (ERP), and operational stakeholders as referred in Article 5(3) of the Capacity Regulation, and any interested parties
	General information about the consultation through: ▪ Relevant sector fora ▪ ENIM and NC newsletters ▪ IMs' own websites, portals and communication channels
	Publication of a reminder for the feedback collection one week prior the end of consultation period to the operational stakeholders (same communication channels as for the initial publication, including mailing campaign)
	NC may decide to organise further engagement activities to inform on the consultation
Gathering of feedback	Addressees shall be granted 4 weeks to provide feedback

Steps	Description
	Dedicated place for submission of feedback on NC website and link will be provided on ENIM website and on IMs websites and mailing campaign (same as publication of draft)
	Format of feedback and supporting IT Tools with required functions: ▪ Structured form with specific questions, fields ▪ Possibility to submit complementary documents via upload on NC website and link will be provided on ENIM website and on IMs websites
Analysis and consideration of stakeholder feedback	Review and analysis of feedback, with anonymisation if requested, aggregation, or redaction prior to publication
	Publication of feedback on NC website and link provided on ENIM website and IMs websites
	Consideration and integration of stakeholder feedback in the NC report for ENIM and Advisory Performance Panel
Submission of the report and follow-up by ENIM	NC submits its report to ENIM and Advisory Performance Panel
	ENIM takes report into account to update EFTM

Annex III: Transparency and accountability on the consultation process

(referred to in section 3.3)

