

## **The CNMC takes a positive view of Adif's two-and-a-half-month advance in the procedure used to allocate capacity on its network**

- Railway companies will be able to launch ticket sales to passengers earlier, allowing them to compete with bus and air travel.
- The CNMC recommends maintaining Adif's room for manoeuvre to allocate capacity when there are incompatible requests.

**Madrid, 27 September 2024.** - The CNMC (Spanish National Markets and Competition Commission) has analysed the draft Ministerial Order amending the Order on the network statement and the procedure for the allocation of railway infrastructure capacity ([IPN/CNMC/021/24](#)).

### **Capacity allocation calendar**

The draft Order provides for bringing forward the timetable for the annual procedure for allocating capacity on the rail network by two and a half months. This means that companies will know what times they will be able to provide their services at an earlier date. As a result, they will be able to launch ticket sales earlier for the Christmas period, for example, making them better able to compete with bus and air services, which can market their tickets months in advance throughout the year.

The CNMC welcomes this change. In resolution [STP/DTSP/060/23, of February 2024](#), the CNMC had already proposed to the Ministry of Transport and Sustainable Mobility that the deadlines for the capacity allocation procedure in Spain be brought forward in order to improve the competitiveness of train services.

### **Incompatible capacity requests**

The capacity allocation procedure stipulates that Adif must coordinate a satisfactory solution in the event of any incompatible capacity requests. However, if an agreement cannot be reached, Adif will have to make a decision, prioritising some services over others.

The Order currently sets out a number of prioritisation criteria which apply when infrastructure has been declared *congested*. The Draft Order proposes that Adif apply these criteria in all cases where a consensual solution could not be reached, irrespective of whether the infrastructure has been declared congested or not. The CNMC recommends that, as in other European countries, the administrator should retain the ability to adopt its own prioritisation criteria for

*mesh adjustment*, i.e. to prioritise between incompatible capacity requests when the infrastructure does not have a widespread congestion problem. Adif should, however, guarantee the transparency of these criteria.

The Draft Order also prioritises the capacity reservation framework agreements (which guarantee capacity over a multi-annual period) above any other criteria. While compliance with these agreements must be protected, giving them absolute priority could limit the administrator's ability to optimise the use of the network. For this reason, the CNMC recommends reconsidering the measure to ensure it does not become a barrier to entry for new operators or to optimising the capacity of the rail network.

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