

COOPERATION AGREEMENT

Between the Regulatory Bodies situated in the countries of Corridor N°9, "Rhine-Danube":

"Strasbourg Mannheim-Frankfurt-Nürnberg-Wels
Strasbourg-Stuttgart-München-Salzburg-Wels-Wien-
Bratislava-Budapest-Arad- Braşov /Craiova- Bucureşti -

Constanţa

Čierna nad Tisou- Košice-Žilina-Horní Lideč -Praha-
München/Nürnberg"

Austria: Schienen-Control GmbH, Linke Wienzeile 4/1/6, 1060 Wien

Germany: Bundesnetzagentur für Elektrizität, Gas, Telekommunikation, Post und Eisenbahnen, Tulpenfeld 4, 53113 Bonn

France: Autorité de régulation des transports, 11 place des cinq Martyrs du lycée Buffon – CS 30054 – 75675 PARIS Cedex 14

Slovakia: Dopravný úrad, Letisko M.R. Štefánika, 823 05 Bratislava

Hungary: Innovációs és Technológiai Minisztérium Vasúti Igazgatási Szerv, Fő utca 44-50., 1011 Budapest

Romania: Consiliul Național de Supraveghere din Domeniul Feroviar, Piața Presei Libere, nr. 1, corp D1, sector 1, cod Poștal 013701, București

Czechia: Úřad pro přístup k dopravní infrastruktuře, Myslíkova 171/31, 110 00 Praha 1

In accordance with Article 20 of Regulation (EU) 913/2010, hereafter “the Regulation”, in conjunction with Article 57 of Directive 2012/34/EU, the Regulatory Bodies of France, Germany, Austria, Slovakia, Hungary, Romania and Czechia (countries of corridor N°9 “Rhine-Danube”) have agreed on the following way of cooperation.

The signature of the present agreement expresses the consent of the signatory Regulatory Bodies to be bound by this agreement. Signatory Regulatory Bodies agree to review this agreement every two years or if at least one of them considers it is necessary. No provision of this agreement should be interpreted as precluding other Regulatory Bodies of the Rhine-Danube corridor from joining this agreement. If the country of a signatory Regulatory Body is not yet part of the corridor “Rhine- Danube” but becomes so in the course of the extension of the corridor, the agreement will insofar enter into force as soon as the corridor has been extended to the country of the signatory Regulatory Body.

This Cooperation Agreement shall not entail any financial commitment on the part of the signatory Regulatory Bodies.

Principles of cooperation

Article 20 of the Regulation in conjunction with Directive 2012/34/EU provides the legal basis for Regulatory Bodies to monitor the competition in the rail freight corridor, ensuring non-discriminatory access and acting as appeal bodies.

In accordance with Article 13.5 in conjunction with Article 20 of the Regulation, Regulatory Bodies are responsible for monitoring the activities of the Corridor One-Stop Shop and for ensuring non-discriminatory access to the corridor.

Upon having initiated an investigation regarding the process for capacity-applications to the Corridor One-Stop Shop according to Article 20 of the Regulation, the concerned Regulatory Body shall consult the Regulatory Bodies of all other Member States through which the corridor runs, by using the process of cooperation which is described under point C.

In order to foster quick decision-making process, taking into account the rules of Regulation concerning the responsibilities for regulating and monitoring the Corridor-One-Stop-Shop and the national law of the Member States on Rail Freight Corridor N°9 “Rhine-Danube”, we identify the decision-making competence of the Regulatory Bodies along the Corridor on complaints or investigations, as follows:

A) Complaint relating to infrastructure managers:

In relation to complaints against specific infrastructure managers the territoriality principle applies, national Regulatory Bodies regulate the activity of infrastructure managers in accordance with their national provisions and/or Article 20 of the Regulation.

Consequently, if the cause of the case is related to one or more individual networks along the corridor (i.e. not to the Corridor-One-Stop-Shop), the Regulatory Bodies which are competent for handling the procedure are the Regulatory Bodies of the national networks involved.

The Regulatory Body concerned should inform other Regulatory Bodies involved in the corridor.

B) Complaint relating to the Corridor One-Stop Shop:

Owing to the multiple responsibilities for regulating the Corridor One-Stop Shop, and in order to guarantee fast decision-making, the Regulatory Body responsible for taking a decision in the event of a complaint regarding the Corridor One-Stop Shop will be identified as follows:

- 1) Should the Regulatory Bodies of the corridor jointly come to the conclusion that the cause of complaint is related to only one single country, the Regulatory Body responsible (hereafter "RespRB") will be the competent Regulatory Body for that country.
- 2) For other cases, the RespRB for handling the complaint will be the Regulatory Body of the country where the Corridor One-Stop Shop is legally seated.

C. Process of cooperation

Depending on the circumstances, it is possible that more than one Regulatory Body could be involved in a matter concerning the regulation of the corridor. As all Regulatory Bodies concerned by a complaint must be consulted in the investigation process, in accordance with Article 20.3 of the Regulation, the process of cooperation is set out below.

Initial review:

Any Regulatory Body, hereafter referred to as RB(a), on the corridor can be solicited by a complainant. Upon receipt of a complaint related to the Corridor-One-Stop-Shop, RB(a) acknowledges the receipt if required by national legislation.

RB(a) conducts a formal review of the complaint and checks if the information given by the complainant is complete and sufficient to initiate a case.

When the information is incomplete or insufficient, RB(a) requests the complainant to provide that information without delay.

RB(a) informs other Regulatory Bodies concerned within the corridor N°9 “Rhine-Danube” and asks them for comments.

Regulatory Bodies determine jointly if the cause of the complaint is related to only one single country or not.

If Regulatory Bodies jointly determine that the cause of the complaint is related to one single country, the competent Regulatory Body of that single country will become the RespRB for handling the complaint.

If the Regulatory Bodies jointly determine that the cause of the complaint is not related to one single country or do not come to a joint decision on this matter, the RespRB for handling the complaint will be the Regulatory Body of the country where the Corridor-One-Stop-Shop is legally seated.

If RB(a) is not the RespRB, it forwards the complaint with all relevant information to the RespRB if it is entitled to do so according to its national legislation otherwise it informs the complainant that it is not competent to handle the complaint and advises the complainant to introduce the complaint at the RespRB.

The RespRB continues with the review of the complaint.

Review:

The proceeding is based on RespRBs’ national law in the context of the Regulation. The RespRB which is responsible for the complaint sets deadlines according to its national rules. The final decision is taken no more than six weeks after having received all information.

RespRB informs concerned parties in writing that it has received the complaint. Subsequently, it sends to these parties appropriate information, including a notification letter in English and/or in one of the official languages of the country where the RespRB is located, and asks for comments on the complaint. Such parties might include railway undertakings, infrastructure managers, the Corridor One-Stop Shop, other Regulatory Bodies or any other stakeholder.

RespRB reviews all the information and comments received from the complainant and other parties and, if necessary, requests further information.

All Regulatory Bodies on Corridor N°9 ensure their cooperation in the investigation of the RespRB by providing all information legally available within their powers.

RespRB drafts a decision and informs, within the limits of its national legislation, the Regulatory Bodies involved. The Regulatory Bodies involved can comment on the proposed decision (deadline defined by RespRB on a case to case basis).

After having consulted, where applicable, the Regulatory Bodies involved, the RespRB takes its decisions and informs the complainant, the Corridor One-Stop Shop and, where applicable, the infrastructure manager(s) concerned and all other parties involved according to the RespRBs national legislation.

RespRB sends the decision and a summary of the decision in English to all Regulatory Bodies affected by the decision.

RespRB informs the other Regulatory Bodies whether or not the concerned parties complied with the decision.

The exchange of information between Regulatory Bodies will be in English and by email.

The decision is subject to judicial review according to the national legislation of the RespRB.



For Schienen-Control GmbH,
Mag. Maria-Theresia RÖHSLER



For Bundesnetzagentur für Elektrizität, Gas, Telekommunikation, Post
und Eisenbahnen,

Dr. Wilhelm ESCHWEILER

For Autorité de régulation des transports,
Bernard ROMAN



For Dopravný úrad, 04.04.2022
Pavol HUDÁK, MSc



For Innovációs és Technológiai Minisztérium Vasúti Igazgatási Szerv,
Tamás VERÉB



28/04/2022



For Consiliul Național de Supraveghere din Domeniul Feroviar,
Bogdan Marius CHIRITOIU



For Úřad pro přístup k dopravní infrastruktuře,
Ing. Pavel KODYM



30. 05. 2022

