

# COOPERATION AGREEMENT

Between the Regulatory Bodies located in the Member States on Rail Freight Corridor N° 7 established under Regulation 913/2010/EU:

Prague (CZ) – Vienna (AT) / Bratislava (SK) – Budapest (HU) – Bucharest (RO) – Constanta (RO) / Vidin (BG) – Sofia (BG) – Thessaloniki (EL) – Athens (EL)



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Czech Republic:

Dražní úřad  
Wilsonova 8  
CZ-121 06 Praha 2

Austria:

Schiene-Control GmbH  
Praterstrasse 62-64  
1020 Vienna

Slovakia:

Dopravný úrad (Transport Authority)  
Letisko M.R.Štefánika, 823 05 Bratislava

Hungary:

Nemzeti Közlekedési Hatóság  
Vasúti Igazgatási Főosztály  
Teréz krt. 62  
1066 Budapest

Romania:

Consiliul de supraveghere din domeniul feroviar  
Piața Presei Libere, nr. 1, corp D1, Sector 1, Cod Poștal 013701  
București, Oficiul Poștal 33

Bulgaria:

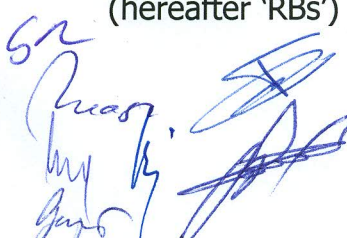
Railway Administration Executive Agency  
5, Gurko Str.  
1080 Sofia

Greece:

Regulatory Authority for Railways (RAS)  
31 Lekka Street  
GR-105 62 Athens

According to Article 20 of Regulation 913/2010/EU in conjunction with Articles 56 and 57 of Directive 2012/34/EU Regulatory Bodies of Rail Freight Corridor no. 7 (hereafter 'RBs') agreed on the following way of cooperation.

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Jano



## **I. Principles of cooperation**

Article 20 of Regulation 913/2010/EU (hereafter 'Regulation') in conjunction with Directive 2012/34/EU, provides the legal basis for RBs to monitor the definition of train paths to avoid discrimination.

In accordance with Article 13.5 in conjunction with Article 20 of the Regulation, RBs are responsible for monitoring the activities of Corridor-One-Stop Shop (hereafter 'C-OSS') and for ensuring non-discriminatory access to the corridors.

In order to foster quick decision-making process, taking into account the rules of Regulation concerning the responsibilities for regulating and monitoring the C-OSS and the national law of the Member States on Rail Freight Corridor N° 7, we identify the decision-making competence of the RBs along the Corridor on complaints or ex-officio investigations (hereafter 'procedures'), as follows:

### **A. Procedures relating to infrastructure managers**

As the territorial principle applies, RBs regulate the activity of Infrastructure Managers (hereafter 'IM') in accordance with their national provisions (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 C-OSS), the RBs which are competent for handling the procedure are the RBs of the national networks involved. In the context of such a procedure, the RBs involved shall cooperate but shall ultimately issue separate decisions, each within its national jurisdiction.

### **B. Procedures relating to the Corridor one-stop shop**

If the cause of the case is related to the C-OSS and in particular to the allocation process of Pre-arranged Paths (hereafter 'PaPs'), the signatory RBs agree that there should be one Responsible RB which receives the complaint and makes the Decision. The signatory RBs, considering the rules of competence stemming from the Regulation and the national law of the Member States on Rail Freight Corridor N° 7 and taking into account the fact that the C-OSS of Rail Freight Corridor N° 7 is seated

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in Hungary, agree that in those cases the responsible RB should be Nemzeti Közlekedési Hatóság (hereafter 'NKH').

## **II. Process of co-operation**

All RBs concerned by a procedure must be involved in the decision-making process, in accordance with the Regulation and their respective national law. The process of co-operation in case of complaints is set out below.

- 1) Upon receipt of a complaint, the Regulatory Body (a) – hereafter 'RB(a)' – acknowledges receipt if required by national legislation. The documentation must be presented by the complainant (in paper and preferably in digital format as well) to RB(a) in the language stipulated in the national administrative law of RB(a) (and preferably in English as well).
- 2) RB(a) conducts a formal review of the complaint and checks if the information given by the complainant is sufficient to initiate a case.  
If there is some information missing, especially necessary for identifying the Responsible RB, RB(a) requests the pieces of information without delay.
- 3) RB(a) informs other RBs about the complaint and shares the initial information with them.
- 4) Before RB(a) acting further, RBs determine jointly within five working days whether:
  - a) the cause of the complaint is related to individual Countries and not to the C-OSS.In the case where the cause of a complaint is not related to C-OSS and RB(a) is not the responsible RB, the investigations will be executed according to the rules of the concerned Regulatory Body - hereafter 'RB(b)'. If RB(a) may transfer complaints and if RB(b) may receive complaints on a referral basis, then RB(a) forwards the complaint to RB(b). If RB(a) may not transfer

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complaints, then it informs the complainant about its non-competence and the necessity to lodge the complaint at RB(b). If RB(b) may not receive any complaint on a referral basis from another RB, then RB(a) informs the complainant about this impossibility as well as to lodge the complaint at RB(b). In the last two cases the national administrative law of RB(b) stipulates which language(s) shall be used and which party shall undertake the necessary translations. RB(b) then carries out the proceeding according to its national law.

The same procedure applies accordingly if the responsible RBs are more than one, i.e. in case the complaint involves several individual national networks.

b) the cause of the complaint is related to the C-OSS.


In this case, if RB(a) is not NKH then RB(a) informs the complainant that it is not competent to handle the complaint on the basis of its own competency rules and advises the complainant to make the request to NKH. The complaint should be written in Hungarian and preferably in English as well. In case the complaint is not written in Hungarian and the complainant requests NKH to make its Decision in another language than Hungarian, the costs of translations and interpretations shall be borne by the complainant.

**The following steps concern the case when the complaint is related to the C-OSS.**

The proceeding is governed by NKH's national law in the context of the regulation. The final Decision is made no longer than two months after NKH has received all information (in paper and preferably in digital format as well).

6) NKH asks for comments on the complaint from involved market players and if necessary, requests further information in accordance with its national legislation. NKH may request information from other signatory RBs in accordance with the Regulation. On request of NKH, other RBs shall send the information in official letter as soon as the requested information is available for them.

gr  
Kriszta  
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7) NKH contacts all signatory RBs sharing the information received and asking for comments on it within two weeks. The sharing of information shall be done without prejudice to national law on the protection of business secret. Comments of other RBs will not be provided to third parties but may be provided to other signatory RBs.

8) NKH reviews information and comments and if necessary for a justified and sound decision, requests further information in accordance with its national legislation and the Regulation.

9) NKH sends the result of the investigation (hereinafter 'summary of findings') to the RBs in English via e-mail. The RBs can comment on the summary of findings within five working days. After the consultation, NKH makes the Decision.

10) NKH issues the Decision on the complaint in the official language determined in accordance with the Hungarian administrative law and delivers it by registered mail (to the complainant, C-OSS and, where applicable, IMs and to whom is concerned). In order to ensure that the stakeholders receive information on the outcome of the procedure as soon as possible, NKH also prepares a summary of the Decision in English and sends it to the parties concerned together with the Decision. The summary of the Decision in English shall have no legal force. The Decision may be subject to judicial review according to the legislation of Hungary.

11) NKH sends the summary of the Decision in English to all RBs and publishes the Decision and the English summary on its own website without prejudice to the protection of business secrets. Should there be any translations of the Decision, the Hungarian version prevails.

12) After the publication of the Decision, the signatory RBs together assist NKH in monitoring whether the C-OSS complies with it.

13) If the C-OSS does not comply with the Decision, NKH follows an enforcement procedure in accordance with its national law. NKH informs other signatory RBs

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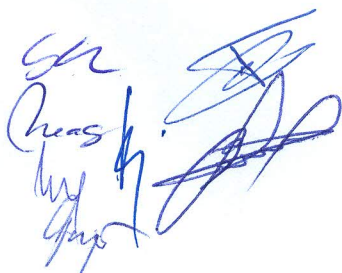
about the initiation of such a procedure and, if considers it to be necessary, requests information from them in accordance with the Regulation.

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In order to assure the transparency of this Cooperation Agreement, the signatory RBs will:

- publish this Cooperation Agreement on their websites;
- request their IMs to refer to it in national Network Statements;
- jointly request the management board of RFC7 to publish it in the Corridor Information Document.

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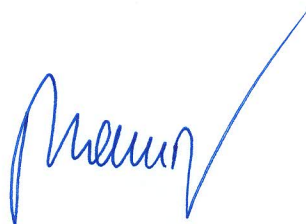


This Cooperation Agreement becomes effective on the day when signed by the duly authorized representatives of all Signatory RBs.

Signatory RBs agree to review this Cooperation Agreement if any of them considers it necessary.

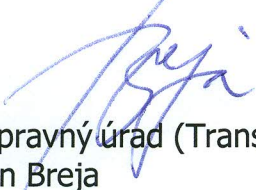
Signed in the English language.

For Drazni urad  
Ing. Jiří Hanuš 12-02-2014



*Gertraud Redl* 12.2.2014

For Schienen-Control GmbH  
Dr. Gertraud Redl, LL.M.

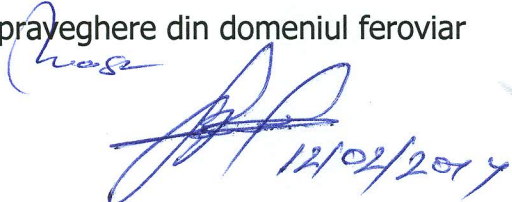


For Dopravný úrad (Transport Authority)  
Ing. Ján Breja

*Menich* 12/02/2014

For Nemzeti Közlekedési Hatóság  
Dr. Péter Menich

For Consiliul de supraveghere din domeniul feroviar  
Otilian Neagoe



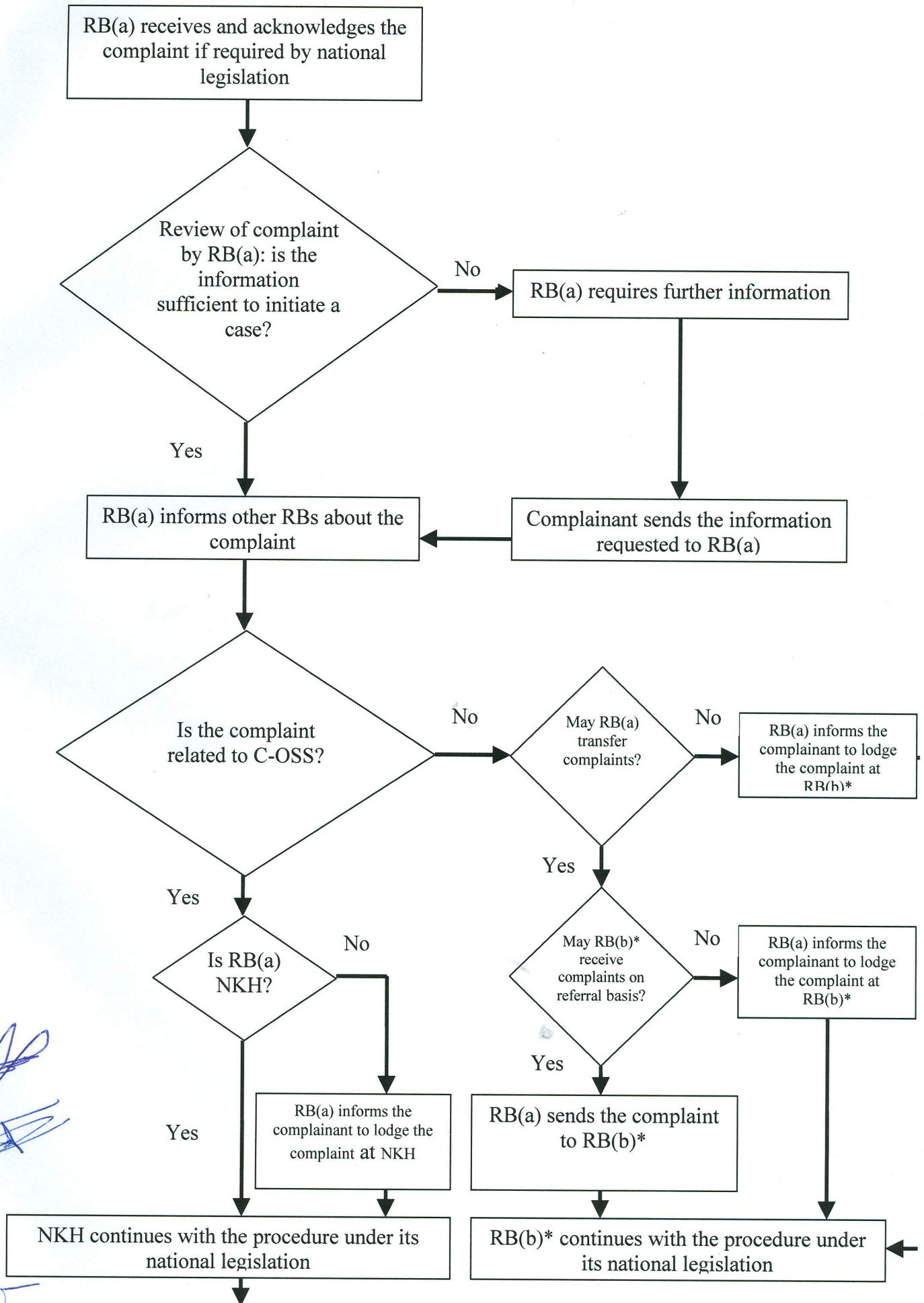
For Railway Administration Executive Agency  
Veselin Vasilev

*Vasilev* 12.02.2014

For Regulatory Authority for Railways (RAS)  
Vasileios Tsiamantis



# Flow chart of complaint handling



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