

COOPERATION AGREEMENT

Between the Regulatory Bodies situated in the countries of Rail Freight Corridor N° 5, “Baltic – Adriatic”:

*Gdynia-Katowice-Ostrava/ Žilina-Bratislava/ Vienna/ Klagenfurt-Udine-Venice/ Trieste /
Bologna/ Ravenna/*

Graz-Maribor-Ljubljana-Koper/ Trieste

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

Czech Republic: Drážní úřad, Wilsonova 300/8, CZ-121 06 Praha 2

Italy: Autorità di regolazione dei trasporti, Via Nizza 230, IT-10126 Torino

Poland: Urząd Transportu Kolejowego, Aleje Jerozolimskie 134, 02-305 Warszawa

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

Slovenia: AKOS – Agencija za komunikacijska omrežja in storitve Republike Slovenije,
Stegne 7, 1000 Ljubljana



In accordance with Article 20 of Regulation (EU) No 913/2010, hereafter ‘the Regulation’, in conjunction with Article 57 of Directive 2012/34/EU the Regulatory Bodies of Austria, Czech Republic, Italy, Poland, Slovakia and Slovenia (countries of the Corridor “Baltic – Adriatic”) have agreed on the following way of cooperation.

The signature of the present agreement expresses the consent of the 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.

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 definition of train paths to avoid discrimination.

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

a) Complaint relating to infrastructure managers:

As the territorial principle applies, national Regulatory Bodies regulate the activity of infrastructure managers in accordance with their national provisions (Article 20 of the Regulation).

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

b) Complaint related to the Corridor One-Stop shop:

Owing to the multiple responsibilities for regulating the C-OSS, and in order to guarantee fast decision-making, the Regulatory Body responsible for taking a decision in the event of a complaint regarding the C-OSS 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 C-OSS is legally seated. If the C-OSS is not organized as a separate legal entity, the RespRB will be the RB in the country where the Management Board has its seat.

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 co-operation 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 C-OSS, the RB(a) acknowledges receipt.

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 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 the cause of the complaint is related to one single country, the competent Regulatory Body of that single country will be the RespRB for handling the complaint.

If the Regulatory Bodies determine that the complaint is not related to one single country, the RespRB for handling the complaint will be the Regulatory Body of the country where the C-OSS is legally seated. If the C-OSS is not organized as a separate legal entity, the RespRB will be the Regulatory Body in the country where the Management Board has its seat.

If RB(a) is not the RespRB, it sends all relevant information to the RespRB, 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 RespRB's national law in the context of the Regulation. The RespRB which is responsible for the complaint sets the deadlines according to its national rules. The final decision is taken no more than two months after having received all information (in compliance with time frame foreseen in the applicable European legislation).

RespRB informs concerned parties in writing that it has received the complaint. Subsequently, it sends to these parties appropriate information, including 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 C-OSS, other Regulatory Bodies or any other stakeholder.

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

All Regulatory Bodies on the Corridor 5 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 decides and informs properly (according its national legislation) the complainant, the C-OSS and, where applicable, the infrastructure manager that is involved.

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

After the publication of the decision, the RBs monitor together whether the C-OSS complies with it. If the C-OSS does not comply with the decision, the RespRB in cooperation with the other RBs follows an enforcement procedure.

The exchange of information between Regulatory Bodies will be in English and by e-mail.

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

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

- publish this Cooperation Agreement on their websites;
- jointly ask the management board to publish it in the Corridor Information Document.

This agreement shall enter into force upon signature by all Regulatory Bodies.

For Schienen-Control GmbH

Mag. Maria-Theresia Röhlsler, LL.M., MBA



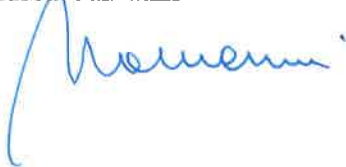
For Drážní úřad

Jiří Kolář



For Autorità di regolazione dei trasporti

Andrea Camanzi



For Urząd Transportu Kolejowego

Radosław Pacewicz
(by authorization of President of UTK)



For Dopravný úrad (Transport Authority)

Ing. Ján Breja



24.11.2015

For Agencija za komunikacijska omrežja in storitve Republike Slovenije

Jožef Dajčman, MSc
(by authorization of Director of AKOS)

