

**AGREEMENT REGARDING THE EXECUTIVE BOARD OF RAIL FREIGHT
CORRIDOR**

RHINE-ALPINE

Zeebrugge- Antwerp/Amsterdam/Vlissingen/Rotterdam/Duisburg-Basel-Milan-Genoa

BETWEEN

THE MINISTERS IN CHARGE OF TRANSPORT OF

**THE KINGDOM OF BELGIUM, THE FEDERAL REPUBLIC OF GERMANY, THE
ITALIAN REPUBLIC, THE KINGDOM OF THE NETHERLANDS AND THE SWISS
CONFEDERATION**

The Ministers signing the present agreement

In order to comply with the provisions laid down in Article 8, paragraph 1 of Regulation (EU) No 913/2010, and as regards Switzerland, their equivalent in Swiss law,

Having regard to

- Regulation (EU) No 913/2010 of the European Parliament and of the Council of 22 September 2010 concerning a European rail network for competitive freight; and in particular Articles 8, 13, 14, 15, 18, 19 and 20 of the Regulation;
- Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the Trans-European Transport Network;
- Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility.

Whereas :

- The Executive Board of Rail Freight Corridor N°1, as referred to in Article 8(1) of the Regulation (EU) No 913/2010, has been created and its mission statement adopted by consensus at the Antwerp Conference, on 27 June 2011. This establishment agreement replaces the 2011 mission statement;
- The Chairperson of the Executive Board of Rail Freight Corridor N°1 informed the European Commission of the adoption of the mission statement of its Board by letter dated 29 June 2011. The current agreement is in line with this letter from 29 June 2011 and clarifies further the role of the Executive Board;
- The European Commission responded by letter dated 19 October 2011, welcoming the establishment of the Executive Board of Rail Freight Corridor N°1;
- Switzerland is in the process of integrating provisions in its legislation, which will be equivalent to Regulation (EU) No 913/2010; as member of the Executive Board, Switzerland fully accepts all provisions and responsibilities defined in this agreement but European law cannot create any obligations of a legally binding character for Switzerland. Therefore, Switzerland provides an assurance that all necessary steps will be undertaken to amend the relevant legal provisions to bring them in line with the decisions of the Executive Board;
 - The Annex to Regulation (EU) No 913/2010, as amended by Regulation (EU) No 1316/2013 establishing the Connecting Europe Facility renames Rail Freight Corridor N° 1 “Rhine-Alpine” and extends it to Amsterdam and Vlissingen;
 - Recognising the contribution of rail freight to Europe’s socio-economic development and to the environment;
 - Welcoming the establishment of rail freight corridors as promoting a market-oriented management of the European rail system;
 - Sharing the ambition to continue working together to develop a network of freight corridors both by the management of the corridors and their interconnections, and by the improvement of quality and of interoperability, the removal of bottlenecks, the harmonisation of operational rules, and the capacity management;
 - Noting that the decision of the Executive Board of Rail Freight Corridor N°1 approving the implantation plan of the corridor was signed on 5th of December 2013;
 - Noting that, pursuant to its Article 11(2), Regulation (EU) No 913/2010, and therefore both the measures to be taken by Switzerland as mentioned above and this agreement, are without prejudice to the competence of the Member States and Switzerland regarding planning and funding of the rail infrastructure on their territory.

Taking into consideration the above, agree as follow

Composition and responsibilities of the Executive board

The Executive board (“the Board”) is composed of representatives of the authorities of the Member States concerned and Switzerland.

In accordance with Regulation (EU) 913/2010, in particular its Article 8(1), together with the corresponding Swiss measures, and in accordance with the political commitments referred to in the preamble and in the annexed context of the corridor, the Executive Board is responsible for the following tasks including:

General task

- To implement Regulation (EU) No 913/2010, and the Swiss measures referred to in the preamble to this Agreement, with regard to the Rail Freight Corridor Rhine Alpine;

Cooperation tasks:

- to ensure ERTMS coordination along the Rail Freight Corridor in accordance with the decision from 5th December 2013 to adopt the implementation plan of the corridor as referred to in Annex as well as to ensure communication when a national system is removed. This information will be published at a corridor level.
- to cooperate as necessary with the European institutions and organisations, the national railway safety authorities, and the regulatory bodies of its members;
- in accordance with Article 48 of Regulation (EU) 1315/2013, and the equivalent Swiss measures, to coordinate with the work of the Rail Freight Corridor and the Trans-European Transport Network Rhine Alpine Core Network Corridor with the European coordinator and national authorities;

Operational tasks:

- to ensure the extensions of rail freight corridor Rhine-Alpine are duly established;
- to coordinate the timely availability of public funds needed by the infrastructure managers to implement the measures, which had been mutually agreed between the Ministries of Transport and the Infrastructure Managers in the indicative investment plan;
- to support the need of infrastructure managers by taking relevant decisions in time, as well as to have sufficient resources for the development and the deployment of the ERTMS, but also for all the other measures of the corridor's investment plan intended to improve the corridor's quality, without prejudice to the national and community budgetary availability and procedures.
- to take decision on general matters of common interest of the Rail Freight Corridor Rhine-Alpine concerning its internal functioning whereas the mandate of the Executive board is without prejudice to the competence of Member States and Switzerland regarding planning and funding of rail infrastructure;
- to monitor the progress with regard to the implementation plan's measures on the basis of the reporting performed by the Management board.
- to consider and where appropriate to support the requests of the Management Board/EEIG for European subsidies within the framework of the CEF Regulation (EU) No 1316/2013;

- to support the involvement of the National Safety Authorities and the Regulatory Bodies in the development of the RFCs and to facilitate the dialogue with the MB and where needed take relevant actions without prejudice to the competences of these bodies.

General rules for the functioning of the Executive board

The working language of the Board is English.

The Executive board takes its decisions on the basis of mutual consent of the representatives of the authorities of the Member States and Switzerland. The Board takes decisions which are provided for by the Regulation (EU) No 913/2010, they are signed by all the members of the Executive Board. These decisions are legally binding on their addressees and shall be published.

The Executive Board shall adopt its rules of procedure.

The present Agreement will take effect the day following the date of its signing.

Done in English, at Luxembourg on 08 October 2014

Catherine FONCK

State Secretary for Mobility of the Kingdom of Belgium

Alexander DOBRINDT

Federal Minister of Transport and Digital Infrastructure of the Federal Republic of Germany

Maurizio LUPI

Minister of Infrastructures and Transports of the Italian Republic

Wilma J. MANSVELD

State Secretary of Infrastructure and the Environment of the Kingdom of The Netherlands

Doris LEUTHARD

Federal Councillor,

Head of the Federal Department of the Environment, Transport, Energy and Communications
of the Swiss Confederation

ANNEX: CONTEXT OF THE CORRIDOR RHINE-ALPINE

The Rhine-Alpine Rail Freight Corridor “Zeebrugge - Antwerp / Amsterdam / Vlissingen / Rotterdam – Duisburg – Basle – Milan - Genoa” is continuing to develop rapidly and is one of the main rail freight axes in Europe. Its position is strategic because it connects some of Europe's biggest ports, industrial centres and major market areas. It is part of a network of European rail freight corridors, which have gradually been identified in order to improve the efficiency of rail freight transport relative to other modes of transport¹.

Introduced by the European commission in its White Paper “A strategy for revitalising the Community's railways” in July 1996, the concept of European rail freight corridors has been the subject of various initiatives, which have been milestones in the process of organising and developing them, consisting, in particular, of :

- the creation of the Trans-European Network of Transport in July 1996;
- the creation of the RailNetEurope (RNE) corridors from 2005;
- the signature of a Memorandum of Understanding regarding ERTMS in March 2005 between the European Commission and the rail freight sector to provide coordinated migration;
- The Letter of Intent for the deployment of ERTMS on the Corridor A “Rotterdam-Genoa Corridor” signed on 3 March 2006 by the Ministers of Germany, Italy, Switzerland and The Netherlands;
- the definition of six ERTMS corridors in July 2009 by the Decision 2009/561/EC, recast in Decision 2012/88/EU on the technical specification for interoperability relating to the control-command and signalling subsystems of the trans-European rail system;
- the Memorandum of Understanding signed on 4th of July 2008 in Rome between the European Commission and the European Railway Associations (CER-UIC-UNIFE-EIM-GSM-R Industry Group-ERFA) concerning the strengthening of cooperation for speeding up the deployment of ERTMS;
- The Rotterdam declaration of Ministers to develop the rail freight corridors Rotterdam/Antwerp – Genoa, Rotterdam – Antwerp – Lyon / Basel and Rotterdam /Antwerp – Hannover – Warsaw – Kaunas also in cooperation with Czech Republic, signed the 14th of June 2010;
- the Memorandum of Understanding signed on 16th of April 2012 in Copenhagen between the European Commission, the European Railway Agency and the European Rail sector Associations (CER-UIC-UNIFE-EIM-GSM-R Industry Group-ERFA) concerning the strengthening of cooperation for speeding up the management of ERTMS;
- Regulation (EU) No 913/2010 of September 22nd, 2010 concerning a European rail network for competitive freight;
- the adoption of the Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the Trans-European Transport Network;
- the adoption of the Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility which

¹ it relates to Recital 30 of (EU) No 913/2010

amends the routes of the rail freight corridors established by Regulation (EU) No 913/2010.

1. “IQ-C”/ ERTMS-CORRIDOR A

The Ministers from Italy, Switzerland, Germany and The Netherlands signed a Memorandum of Understanding on January 9th, 2003 to improve framework conditions for the quality development of rail freight services (the 'IQ-C project'). Then, the Letter of Intent signed by the Ministers in March 2006 in Bregenz on the deployment of ERTMS on corridor A has introduced:

- an *Executive board* bringing together the Ministries in charge of steering the implementation of the project;
- a *Management board* bringing together the infrastructure managers responsible for the ongoing management and operational activities of the project. This Management board created a European Economic Interest Grouping (EEIG).

Quality and interoperability of the corridor improves its performance. In 2008 a Quality and Interoperability action plan 2008-2012 has been established, this plan was updated in 2009 to cover the 2010-2014 period. From 2013 the plan is replaced by the implementation plan in accordance with Article 9 of Regulation 913/2010.

European Commission has appointed a European Coordinator already in 2005 to support the corridors regarding their mission on the development strategy of ERTMS.

2. ROTTERDAM DECLARATION

Jointly considering the interest of European rail freight corridors for the economic growth and sustainable development of the European Union, the ten Signatory States² of the Rotterdam Declaration of June 14th, 2010 have notified their common desire to enhance the efficiency of corridors:

- noting that various kinds of corridors, developed with different objectives and modes of operation, nevertheless had broadly common routes, constituting principal axes with variants;
- aiming, therefore, at a harmonised approach by rationalising their governance in order to improve the overall capabilities and interoperability.

The markers established by the Rotterdam Declaration paved the way for the new routes of Rail Freight Corridor n°1.

3. REGULATION (EU) No. 913/2010 OF 22 SEPTEMBER 2010 CONCERNING A EUROPEAN RAIL NETWORK FOR COMPETITIVE FREIGHT

On November 9th, 2010 the Regulation (EU) No 913/2010 of 22nd September 2010 concerning a European rail network for competitive freight came into force. This Regulation 913/2010 brought an extension of the IQ-C/A-Corridor to the Belgium harbours of Zeebrugge and Antwerp.

² Belgium, Czech republic, France, Germany, Italy, Lithuania, Luxembourg, The Netherlands, Poland and Switzerland

It aims mainly to strengthen the previous corridors, whether originating from governments (e.g. ERTMS), or from Infrastructure Managers, by enshrining their business objectives and methods within a European legal framework. This legal framework imposes among others:

- similar governance structure as Corridor A (with an Executive board and a Management board, with advisory groups). The appropriate governance structures have been established: The transport Ministers of the rail freight corridor n°1 have approved by consensus, through their representatives, the Mission Statement of freight corridor n°1 in Antwerp on 27 June 2011, transferring the responsibilities of the Executive board of the corridor A to the Executive board of the freight corridor No. 1. The EEIG of Corridor A is also expanding its competences to the ones of the rail freight corridor N°1 by amending its statutes and frame contract;
- a framework for the capacity allocation on the corridor has been adopted by the Ministers constituting the Executive board of the corridor in December 2012, and published in the European Official Journal the 6th of March 2013;
- the processes and procedures by which the Member States and the European Commission may change the geography of corridors over time;
- an implementation plan which includes a description of the characteristics of the freight corridor, the essential elements of its transport market study, its objectives in particular in terms of performance, an indicative investment plan, and the measures aiming to implement the coordination of works, the establishment of a Corridor one-stop-shop, the preparation of the corridor capacity, the traffic management, the traffic management in the event of disturbance, and the quality of service. Information concerning the terminals of the corridor is available in the Corridor Information Document. The ministers of the corridor decided to adopt the implementation plan 5th December 2013 and made by this decision the corridor operational. For ERTMS the ministers decided to have the objective to equip the border zones by 2015 in such a way that railway undertakings can run from 2016 onwards from Rotterdam to Genoa without having to use the Dutch and Swiss class B systems and to equip the full corridor by 2018. A roll out plan for ERTMS is being prepared.

4. REGULATION (EU) No 1315/2013 CONCERNING THE TEN-T GUIDELINES AND REGULATION (EU) No 1316/2013 CONCERNING THE CONNECTING EUROPE FACILITY

The adoption of the Regulations (EU) No 1315/2013 concerning the Trans-European Network for Transport (TEN-T) guidelines and No 1316/2013 concerning the Connecting Europe Facility (CEF), which entered into force on the day following its publication in the Official Journal of the European Union the 20 December 2013, had a significant impact on the rail freight corridors. This is because the CEF Regulation (EU) No 1316/2013 amended the annex of Regulation (EU) No 913/2010 bringing modifications to the principal routes and giving new geographical names to support further harmonization of the corridor systems.

Rail freight corridor No. 1 became the corridor “Rhine–Alpine” and is now extended to Amsterdam and Vlissingen. The extension to Amsterdam is already established, the one to Vlissingen should be established no later than November 2016.

In accordance with Article 48 of Regulation (EU) No 1315/2013 concerning the TEN-T guidelines :”1. *Adequate coordination shall be ensured between the core network corridors and the rail freight corridors as provided for in Regulation (EU) No 913/2010, in order to*

avoid any duplication of activity, in particular when establishing the work plan or setting up working groups of the core network corridors. 2. The provisions of this Chapter shall be without prejudice to the governance structures set out in Regulation (EU) No 913/2010.”