

**AGREEMENT REGARDING THE EXECUTIVE BOARD OF RAIL FREIGHT
CORRIDOR
NORTH SEA – BALTIC**

**BETWEEN
THE MINISTERS IN CHARGE OF TRANSPORT OF
THE KINGDOM OF BELGIUM, THE CZECH REPUBLIC, THE FEDERAL
REPUBLIC OF GERMANY, THE REPUBLIC OF POLAND, THE REPUBLIC OF
LITHUANIA, AND THE KINGDOM OF THE NETHERLANDS**

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.

Having regard to

- The definition of six ERTMS corridors in July 2009 by the Decision 2006/679/EC, as amended by Decision 2009/561/EC, and recast in Decision 2012/88/EU on the technical specification for interoperability relating to the control, command and signaling subsystems of the trans-European rail system;
- 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 by representatives of the Netherlands, Belgium, Luxembourg, France, Switzerland, Italy, Germany, Poland, Czech Republic and Lithuania;
- 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, 11, 13, 14, 15, 18, 19 and 20 of the Regulation;
- Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility, in particular the annex II;
- 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 Letter of Intent sent the 27th of June 2014 on extensions of the North Sea - Baltic Rail Freight Corridor N° 8 to the Czech Republic and to the Polish-Ukrainian border, the information about the extensions to SERAC the 10th and 11th July 2014 and the positive reply from the European Commission sent the 11th of July 2014.

Whereas :

- The Executive Board of Rail Freight Corridor N°8, as referred to in Article 8 of the Regulation (EU) No 913/2010, has been created and their mission statements adopted by consensus on 20 March 2012;
- The Chairperson of the Executive Board of Rail Freight Corridor N°8 informed the European Commission of the adoption of the mission statement of its Board by letter dated 20 March 2012;
- The Annex to Regulation (EU) No 913/2010, as amended by Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility, renames Rail Freight Corridor No 8 “North Sea - Baltic”.

- 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 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 capacity management;
- Desirous to comply with their obligation, under Regulation (EU) No 913/2010, to admit a representative of the Czech Republic to the Executive Board of Rail Freight Corridor North Sea Baltic;
- Wishing the tasks of that Executive Board to be, in practice, in line with those set out in respect of the Executive Board for Rail Freight Corridor N°8 in the letter to the European Commission dated 20 March 2012 mentioned above, and to further clarify its role;
- Noting the content of the Mission Statement adopted on 20 March 2012 ;
- Considering that, while that Mission Statement reflects the context in which this Agreement is made, and should therefore be taken into account as such for the interpretation and application of this Agreement, it should now be replaced by a new instrument;
- Noting that that Executive Board became, by virtue of the Mission Statement adopted on 20 March 2012, the Executive Board of Rail Freight Corridor No.8;
- Noting that, pursuant to its Article 11(2), Regulation (EU) No 913/2010, this agreement is without prejudice to the competence of the Member States regarding planning and funding of the rail infrastructure on their territories;

Taking into consideration the above, **agree as follows:**

Generally

The Mission Statement, adopted by consensus on 20 March 2012, shall be replaced by this Agreement. This is without prejudice to the fact that it is part of the context within which this Agreement is adopted.

Accession of the Czech Republic

The Czech Republic shall be represented on the Executive Board of Rail Freight Corridor North Sea Baltic ("the Board").

Composition and responsibilities of the Board

The Board is composed of representatives of authorities of the Member States concerned.

In accordance with Regulation (EU) No 913/2010, in particular its Article 8(1), and in accordance with the political commitments referred to in the preamble and in the annexed context of the corridor, the responsibilities of the Board include:

General responsibility

- To implement Regulation (EU) No 913/2010, and the Swiss measures referred to in the preamble to this Agreement, with regard to Rail Freight Corridor North Sea Baltic.

Cooperation responsibilities

- In accordance with Article 48 of Regulation (EU) 1315/2013, to coordinate the work of the Rail Freight Corridor North Sea Baltic and the Trans-European Transport Network North Sea Baltic core network corridor with the European coordinator and national authorities;
- to work together where necessary with the European institutions and organisations, the national railway safety authorities, and the regulatory bodies of its members;

Operational responsibilities

- to ask the Management board to report on any matter relating to the smooth functioning of the corridor;
- to ensure the extensions of the rail freight corridor North Sea-Baltic are duly established;
- to take decisions on general matters of common interest concerning the internal functioning of the Rail Freight Corridor North Sea-Baltic without prejudice to the competence of Member States regarding the planning and funding of rail infrastructure;
- 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 ERTMS and interoperability, but also for all other measures of the corridor's investment plan intended to improve the corridor's quality, without prejudice to the national and community budgetary competences;
- to monitor the realized 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 for European subsidies within the framework of Regulation (EU) No 1316/2013 establishing the Connecting Europe Facility;
- to support the involvement National Safety Authorities and Regulatory Bodies in the development of the Rail Freight Corridor and to facilitate the dialogue with the Management board and where needed take relevant actions without prejudice to the competences of these bodies.

General rules for the functioning of the Board

The working language of the Board is English.

The Board takes its decisions on the basis of mutual consent of the representatives of the authorities of the Member States.

The Board takes decisions which are provided for by Regulation (EU) No 913/2010; these decisions are legally binding and directly applicable. They are signed by all the members of the Board and shall be published.

The Board shall adopt its rules of procedure.

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

Done in English, at Luxembourg the 8th of October 2014

Catherine FONCK,

State Secretary for Mobility of the Kingdom of Belgium

For the Minister of Transport of the Czech Republic

Ladislav NĚMEC

Deputy Minister for Transport

Alexander DOBRINDT

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

Rimantas SINKEVIČIUS

Minister of Transport and Communications of the Republic of Lithuania

For the Minister of Infrastructure and Development of the Republic of Poland

Zbigniew KLEPACKI

Under Secretary of State in the Ministry of Infrastructure and Development

Wilma J. MANSVELD

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

ANNEX: CONTEXT OF CORRIDOR NORTH SEA BALTIC

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 involving different phases at organizational and developmental level, in particular by:

- 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 (European Rail Traffic Management System) in March 2005 between the European Commission and the rail freight sector for a coordinated migration;
- 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 concerning the strengthening of cooperation for speeding up the deployment of ERTMS signed on 4 July 2008 in Rome between the European Commission and the European Railway Associations (CER-UIC-UNIFE-EIM-GSM-R Industry Group-ERFA);
- 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 the European Parliament and of the Council of 22 September 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 amend the routes of the rail freight corridors established by Regulation (EU) No 913/2010;
- the Letter of Intent sent the XXX on extensions of the North Sea - Baltic Rail Freight Corridor N° 8 to the Czech Republic and to the Polish-Ukrainian border.

1. ROTTERDAM DECLARATION

Considering the interest that the European rail freight corridors have for the economic growth and sustainable development of the European Union, the ten Signatory States¹ of the Rotterdam Declaration of 14 June 2010 have shown their common desire to enhance the efficiency of corridors:

- noting that various kinds of corridors, developed with different objectives and modes of operation, nevertheless have broadly common routes, constituting principal axes with variants;
- aiming, therefore, at a harmonization of approaches by rationalizing their governance in order to improve the overall capacity and interoperability.

The markers established by the Rotterdam Declaration paved the way for the new routes of Corridor 8.

2. REGULATION (EU) No. 913/2010 & RAIL FREIGHT CORRIDOR No. 8

On 9 November 2010 the Regulation (EU) No. 913/2010 of 22 September 2010 concerning a European rail network for competitive freight came into force.

It put in place corridor axes that took account of the previous corridors, whether originating from agreements between governments (e.g. ERTMS), or from Infrastructure Managers (Rail Net Europe), by enshrining certain business objectives and methods within a European legal framework. This legal framework imposes among others:

- a governance structure for Corridor 8 (with an Executive Board and a Management Board, and with advisory groups). The appropriated governance structures have been established: the transport Ministers of the rail freight corridor n°8 have approved by consensus, through their representatives, the Mission Statement of freight corridor n°8 the 20th of March 2012;
- 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 n°8, the essential elements of its transport market study, its objectives in particular in terms of performance, an indicative investment plan, 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 will be available in the Corridor Information Document.

3. REGULATION (EU) N° 1315/2013 CONCERNING THE TEN-T GUIDELINES AND REGULATION (EU) N° 1316/ 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 changes to the principal routes and setting new geographical names to better describe the routes in question.

Rail freight corridor No. 8 becomes the North Sea – Baltic corridor and is now extended to Wilhelmshaven , Hamburg, Amsterdam, Riga and Tallinn.

“Wilhelmshaven + / Bremerhaven / Hamburg + / Amsterdam + / Rotterdam / Antwerp - Aachen/Berlin-Warsaw-Terespol (Poland-Belarus border)/Kaunas-Riga*-Tallinn*²”

In accordance with the revised provisions of Regulation (EU) No 913/2010, incorporation of the extensions to Wilhelmshaven, Hamburg and Amsterdam will become fully operational at the latest in November 2018. Incorporation of the extensions to Riga and Tallinn, which imply the participation of two new Member States in the governance structure, will become fully operational at the latest in November 2020.

The extension of the corridor to Riga and Tallinn will be finalized by November 2020 on the basis of market studies in accordance with the Regulation (EU) No 1316/2013 revising Regulation 913/2010.

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 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. 2. The provisions of this Chapter shall be without prejudice to the governance structures set out in Regulation (EU) No 913/2010.”

The North Sea – Baltic rail freight corridor is linked with other corridors, i.e. in the following places:

- in Antwerp, Amsterdam and Rotterdam with the North Sea Mediterranean Corridor “Glasgow*/Edinburgh*/Southampton*/Felixstowe*-London+/Dunkerque+/Lille+/Liège+/Paris+/Amsterdam+-Rotterdam-Zeebrugge+/Antwerp-Luxembourg-Metz-Dijon-Lyon/[Basel]-Marseille+”;
- in Amsterdam, Rotterdam, Antwerp, Aachen and Duisburg with the Rhine Alpine Corridor “Zeebrugge-Antwerp/Amsterdam/Vlissingen+/Rotterdam-Duisburg-[Basel]-Milan-Genoa”
- in the vicinity of Hannover with the Scandinavian – Mediterranean Corridor “Stockholm/[Oslo]+/Trelleborg+-Malmö-Copenhagen-Hamburg-Innsbruck-Verona-La Spezia+/Livorno+/Ancona+/Taranto+/Augusta+/Palermo”
- in various places in Poland and Czech Republic with the Baltic – Adriatic – Corridor “Swinoujscie (+)/Gdynia-Katowice-Ostrava/Žilina-Bratislava/Wien/Klagenfurt-Udine-Venezia/ Trieste/ /Bologna/Ravenna Graz-Maribor-Ljubljana-Koper/Trieste”
- In Bremerhaven and Hamburg with the Orient/East- Med Corridor “— Bucureșt-Constanța Bremerhaven (*)/Wilhelmshaven (*)/Rostock (*)/Hamburg (*)- Praha-Vienna/Bratislava-Budapest — Vidin-Sofia-Burgas (*)/Svilengrad (*) (Bulgarian-Turkish border)/ Promachonas-Thessaloniki- Athína-Patras (*)”
- In Czech Republic with the Rhine-Danube Corridor “Strasbourg-Mannheim-Frankfurt-Nürnberg-Wels Strasbourg-Stuttgart-München-Salzburg-Wels-Wien- Bratislava-Budapest-Arad-Brașov/Craiova-București-Constanța Čierna and Tisou (Slovak/Ukrainian border)-Košice-Žilina- Horní Lideč-Praha-München/Nürnberg”