



**COUNCIL OF  
THE EUROPEAN UNION**

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**LEGISLATIVE ACTS AND OTHER INSTRUMENTS**

Subject: Position of the Council at first reading with a view to the adoption of a  
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE  
COUNCIL concerning a European rail network for competitive freight  
- Adopted by the Council on 22 February 2010

**REGULATION (EU) No .../2010 OF THE EUROPEAN PARLIAMENT  
AND OF THE COUNCIL**

**of**

**concerning a European rail network for competitive freight**

**(Text with EEA relevance)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union , and in particular Article 91 thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Economic and Social Committee<sup>1</sup>,

Having regard to the opinion of the Committee of the Regions<sup>2</sup>,

Acting in accordance with the ordinary legislative procedure<sup>3</sup>,

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<sup>1</sup> Opinion of 15 July 2009 (not yet published in the Official Journal).

<sup>2</sup> Opinion of 7 October 2009 (not yet published in the Official Journal).

<sup>3</sup> Opinion of the European Parliament of 23 April 2009 (not yet published in the Official Journal), position of the Council of ... (not yet published in the Official Journal) and position of the European Parliament of ... (not yet published in the Official Journal).

Whereas:

- (1) Within the framework of the Lisbon Strategy for growth and employment and the European Union Strategy for Sustainable Development, the creation of an internal rail market, in particular with regard to freight transport, is an essential factor in making progress towards sustainable mobility.
- (2) Council Directive 91/440/EEC of 29 July 1991 on the development of the Community's railways<sup>1</sup> and Directive 2001/14/EC of the European Parliament and of the Council of 26 February 2001 on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure<sup>2</sup> have been important steps in the creation of the internal rail market.
- (3) In order to be competitive with other modes of transport, international and national rail freight services, which have been opened up to competition since 1 January 2007, must be able to benefit from a good quality and sufficiently financed railway infrastructure, that is, one which allows freight transport services to be provided under good conditions in terms of commercial speed and journey times and to be reliable, that is, that the service it provides actually corresponds to the contractual agreements entered into with the railway undertakings.

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<sup>1</sup> OJ L 237, 24.8.1991, p. 25.

<sup>2</sup> OJ L 75, 15.3.2001, p. 29.

- (4) The opening of the rail freight market has made it possible for new operators to enter the rail network. To optimise the use of the network and ensure its reliability it is useful to introduce additional procedures to strengthen cooperation on allocation of international train paths for freight trains between infrastructure managers.
- (5) The Council, meeting on 7 and 8 April 2008, concluded that the efficient use of infrastructure must be promoted and that, if necessary, railway infrastructure capacities must be improved by means of measures taken at European and national levels, and in particular by means of legal acts.
- (6) In this context, the establishment of international rail corridors for a European rail network for competitive freight on which freight trains can run under good conditions and easily pass from one national network to another would allow improvements in the conditions of use of the infrastructure.
- (7) In order to establish international rail corridors for a European rail network for competitive freight, the initiatives already taken in terms of railway infrastructure show that the creation of international corridors, which meet specific needs in one or more clearly identified segments of the freight market, is the most appropriate method.

- (8) This Regulation should be without prejudice to the rights and obligations of infrastructure managers set out in Directive 91/440/EEC and Directive 2001/14/EC and, where relevant, allocation bodies as referred to in Article 14(2) of Directive 2001/14/EC. Those acts remain in force, including in respect of provisions which affect freight corridors, in particular in respect of the right of infrastructure managers to refuse or accept applications for capacity from legal entities other than railway undertakings.
- (9) The international rail corridors for a European rail network for competitive freight should be set up in a manner consistent with the Trans-European Transport Network ("TEN-T") and/or the European Railway Traffic Management System ("ERTMS") corridors. To that end, the coordinated development of the networks is necessary, and in particular as regards the integration of the international corridors for rail freight into the existing TEN-T and the ERTMS corridors. Furthermore, harmonising rules relating to those freight corridors should be established at the level of the Union. If necessary, the creation of those corridors should be supported financially within the framework of the TEN-T, research and Marco Polo programmes, and other policies and funds of the Union, such as the European Regional Development Fund or the Cohesion Fund.

- (10) Within the framework of a freight corridor, good coordination between the Member States and the infrastructure managers concerned should be ensured, sufficient priority should be given to rail freight traffic, effective and adequate links to other modes of transport should be set up and conditions should be created which are favourable to the development of competition between rail freight service providers.
- (11) Further to the freight corridors set up in accordance with Article 3, the establishment of additional freight corridors should be examined and approved at the level of the Union in accordance with clearly defined transparent procedures and criteria which allow Member States and infrastructure managers sufficient decision-making and management scope so that they can take into account existing initiatives for special corridors, e.g. ERTMS, RailNetEurope ("RNE") and TEN-T, and take measures adapted to their specific needs.
- (12) In order to stimulate coordination between the Member States and the infrastructure managers, an appropriate governance structure for each freight corridor should be established, taking account of the need to avoid duplication with already existing governance structures.

- (13) In order to meet market needs, the methods for establishing a freight corridor should be presented in an implementation plan, which should include identifying and setting a schedule for measures which would improve the performance of rail freight. Furthermore, to ensure that planned or implemented measures for the establishment of a freight corridor meet the needs or expectations of all of the users of the freight corridor, the applicants likely to use the freight corridor must be regularly consulted in accordance with procedures defined by the management board.
- (14) The development of intermodal freight terminals should also be considered necessary to support the establishment of rail freight corridors in the Union.
- (15) In order to guarantee the consistency and continuity of the infrastructure capacities available along the freight corridor, investment in the freight corridor should be coordinated between Member States and the infrastructure managers concerned, and planned in a way which meets the needs of the freight corridor. The schedule for carrying out the investment should be published to ensure that applicants who may operate in the corridor are well-informed. The investment should include projects relating to the development of interoperable systems and the increase in capacity of the trains.

- (16) For the same reasons, all the works on infrastructure and its equipment that would restrict available capacity on the freight corridor should also be coordinated at the level of the freight corridor and be the subject of updated publications.
- (17) In order to facilitate requests for infrastructure capacities for international rail freight services, it is appropriate to designate or establish a one-stop shop for each freight corridor. For this, existing initiatives should be built upon, in particular those undertaken by RNE, a body which acts as a coordination tool for the infrastructure managers and provides a number of services to international freight undertakings.
- (18) The management of freight corridors should also include procedures for the allocation of the infrastructure capacity for international freight trains running on such corridors. Those procedures should recognise the need for capacity of other types of transport, including passenger transport.
- (19) To ensure that the railway infrastructure is better used, the operation of that infrastructure and the terminals along the freight corridor needs to be coordinated.
- (20) Priority rules may also mean priority targets depending on the situation in the respective Member State.



- (21) Freight trains running on the freight corridor should be able to enjoy, as far as possible, sufficient punctuality in the event of disturbance with regard to the needs of all types of transport.
- (22) In order to evaluate objectively the benefits of the measures aimed at the establishment of the freight corridor, the performance of the rail freight services along the freight corridor should be monitored and quality reports should be published regularly. The evaluation of the performance should include the outcome of satisfaction surveys of the users of the freight corridor.
- (23) In order to ensure non-discriminatory access to international rail services, it is necessary to ensure efficient coordination between the regulatory bodies over the different networks covered by the freight corridor.
- (24) To facilitate access to information concerning the use of all the main infrastructure in the freight corridor and to guarantee non-discriminatory access to that corridor, the management board should draw up, regularly update and publish a document containing all of this information.

- (25) Since the objective of this Regulation, namely the establishment of a European rail network for competitive freight made up of freight corridors, cannot be sufficiently achieved by the Member States alone and can therefore by reason of its scale and effects be better achieved at the level of the Union, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.
- (26) Fair rules based on cooperation between the infrastructure managers, who must provide a quality service to freight undertakings within the framework of an international rail corridor, should be introduced in respect of the coordination of investment and the management of capacities and traffic.
- (27) As international trains need to run itineraries combining several corridors, as defined in this Regulation, the infrastructure managers of several corridors may also coordinate their activities in order to ensure, on the corridors concerned, the availability of capacity, fluid movements and a coherent application of priority rules to the different types of traffic in the event of disturbance.

- (28) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>1</sup>.
- (29) In addition, the Commission should be empowered to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union in respect of the adaptation of Annex II. It is of particular importance that the Commission consult experts during its preparatory work, in accordance with the commitments made in the Commission Communication of 9 December 2009 on the implementation of Article 290 of the Treaty on the Functioning of the European Union,

HAVE ADOPTED THIS REGULATION:

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<sup>1</sup> OJ L 184, 17.7.1999, p. 23.

# CHAPTER I

## GENERAL

### *Article 1*

#### *Purpose and scope*

1. This Regulation lays down rules for the establishment and organisation of international rail corridors for a European rail network for competitive freight. It sets out rules for the selection, organisation and management of freight corridors.
2. This Regulation shall apply to the management and use of railway infrastructure in freight corridors.

### *Article 2*

#### *Definitions*

1. For the purposes of this Regulation, the definitions laid down in Article 2 of Directive 2001/14/EC shall apply.
2. In addition to the definitions referred to in paragraph 1:
  - (a) "freight corridor" means all designated railway lines in Member States and, where necessary, European third countries, linking terminals along the principal route of the freight corridor, including the railway infrastructure and its equipment, marshalling yards and train formation facilities and, where necessary, diversionary routes;

- (b) "implementation plan" means the document presenting the means and the strategy that the parties concerned intend to implement in order to develop over a specified period the measures which are necessary and sufficient to establish the freight corridor;
- (c) "terminal" means the installation provided along the freight corridor which has been especially arranged to allow either the loading and/or the unloading of goods onto/from freight trains, and the integration of rail freight services with road, maritime, river and air services, and either the forming or modification of the composition of freight trains; and, where necessary, performing border procedures at borders with European third countries.

## **CHAPTER II**

# **DESIGNATION AND GOVERNANCE OF THE INTERNATIONAL RAIL CORRIDORS FOR COMPETITIVE FREIGHT**

### *Article 3*

#### *Designation of initial freight corridors*

1. The Member States referred to in Annex I shall establish by ...<sup>\*</sup> the freight corridors along the principal routes set out in that Annex. The Member States concerned shall inform the Commission about the establishment of the freight corridors.

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<sup>\*</sup> OJ: please insert date: three years after entry into force of this Regulation.

2. By derogation from paragraph 1 the freight corridors along the principal routes set out in points 3, 5 and 8 of Annex I shall be established by ...\*.

#### *Article 4*

##### *Selection of further freight corridors*

1. Each Member State with a rail border with another Member State shall participate in the establishment of at least one freight corridor, unless this obligation has already been met under Article 3.
2. Notwithstanding paragraph 1, Member States shall, upon request from a Member State, participate in the establishment of the freight corridor as referred to in that paragraph or the prolongation of an existing corridor, in order to allow a neighbouring Member State to fulfil its obligation under that paragraph.
3. Without prejudice to the obligations of Member States under Article 7 of Directive 91/440/EEC, where a Member State considers that the establishment of a freight corridor would not be in the interest of the applicants likely to use the freight corridor or would not bring significant socio-economic benefits or would cause a disproportionate burden, the Member State concerned shall not be obliged to participate as referred to in paragraphs 1 and 2 of this Article, subject to a decision of the Commission acting in accordance with the advisory procedure referred to in Article 19(2).

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\* OJ: please insert date: five years after entry into force of this Regulation.

4. A Member State shall not be obliged to participate as referred to in paragraphs 1 and 2 if it has a rail network which has a track gauge which is different from that of the main rail network within the Union.
5. In order to meet the obligation under paragraphs 1 and 2, the Member States concerned shall jointly propose to the Commission the establishment of freight corridors after consulting the infrastructure managers and applicants concerned by ...<sup>\*</sup>, taking into account the criteria set out in Annex II.
6. The Commission shall examine the proposals for the establishment of freight corridor(s) referred to in paragraph 5 and, in accordance with the regulatory procedure referred to in Article 19(3), adopt a decision on the compliance of such a proposal with this Article at the latest nine months after submission of the proposal.
7. The Member States concerned shall establish the freight corridor at the latest three years after the decision of the Commission referred to in paragraph 6.

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<sup>\*</sup> OJ: please insert date: two years after entry into force of this Regulation.

8. The Commission shall be empowered to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union as regards adaptations to Annex II. When preparing the delegated acts referred to in this paragraph, the Commission shall respect the provisions set out in Directive 2001/14/EC and Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community (recast)<sup>1</sup> and shall take into account, in particular, the deployment plan relating to the interoperable systems, the evolution of the railway system and the TEN-T and in particular the implementation of the ERTMS, as well as freight market developments, including interaction with other transport modes.

For the delegated acts referred to in this paragraph, the procedure set out in Articles 20, 21 and 22 shall apply.

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<sup>1</sup> OJ L 191, 18.7.2008, p. 1.



## *Article 5*

### *Modification of the freight corridors*

1. The freight corridors referred to in Articles 3 and 4 may be modified on the basis of a joint proposal by the Member States concerned to the Commission after consulting the infrastructure managers and applicants concerned.
2. The Commission shall, in accordance with the regulatory procedure referred to in Article 19(3), adopt a decision on the proposal taking into account the criteria set out in Annex II.

## *Article 6*

### *Reconciliation*

When two or more Member States concerned do not agree on the establishment or modification of a freight corridor, and with regard to the railway infrastructure located on their territory, the Commission, at the request of one of the Member States concerned, shall consult the Committee referred to in Article 19 on this matter. The opinion of the Commission shall be sent to the Member States concerned. The Member States concerned shall take this opinion into account in order to find a solution and shall take a decision on the basis of mutual consent.

## *Article 7*

### *Governance of freight corridors*

1. For each freight corridor, Member States concerned shall establish an executive board responsible for defining the general objectives of the freight corridor, supervising and taking the measures as expressly provided for in Articles 8, 10 and 23. The executive board shall be composed of representatives of the authorities of the Member States concerned.
2. For each freight corridor, the infrastructure managers concerned and, where relevant, the allocation bodies as referred to in Article 14(2) of Directive 2001/14/EC, shall establish a management board responsible for taking the measures as expressly provided for in paragraph 6 of this Article and in Articles 8, 10, 12(1), 13(2), (5) and (6), 15(1), 16 and 17(2) and (3) of this Regulation. The management board shall be composed of the representatives of the infrastructure managers.
3. The executive board shall take its decisions on the basis of mutual consent of the representatives of the authorities of the Member States concerned.
4. The management board shall take its decisions, including decisions regarding its legal status, resources and staffing, on the basis of mutual consent of the infrastructure managers concerned.

5. The responsibilities of the executive and management boards shall be without prejudice to the independence of infrastructure managers as provided for in Article 4(2) of Directive 91/440/EEC.
6. The management board shall set up an advisory group made up of managers and owners of the terminals of the freight corridor. This advisory group may issue an opinion on any proposal by the management board which has direct consequences for investment and the management of terminals. The advisory group may also issue own-initiative opinions. The management board shall take any of these opinions into account.

### *Article 8*

#### *Measures for implementing the freight corridor plan*

1. The management board shall draw up an implementation plan and shall submit it for approval to the executive board. This plan shall include:
  - (a) a description of the characteristics of the freight corridor, including bottlenecks, and the programme of measures necessary for creating the freight corridor;
  - (b) the essential elements of the transport and traffic study referred to in paragraph 3;
  - (c) the objectives for the freight corridors, in particular in terms of performance of the freight corridor expressed as the quality of the service and the capacity of the freight corridor in accordance with the provisions of Article 17;
  - (d) the investment plan referred to in Article 10; and
  - (e) the measures to implement the provisions of Articles 11 to 17.

2. The management board shall periodically review the implementation plan taking into account progress made in its implementation, the rail freight market on the freight corridor and performance measured in accordance with the objectives referred to in point (c) of paragraph 1.
3. The management board shall periodically carry out a transport and traffic study relating to the observed and expected changes in the traffic in the freight corridor, covering the different types of traffic, both regarding the transport of freight and the transport of passengers.
4. The implementation plan shall take into account the development of terminals to meet the needs of rail freight running on the freight corridor.

*Article 9*  
*Consulting applicants*

The management board shall introduce consultation mechanisms with a view to the proper participation of the applicants likely to use the freight corridor. In particular, it shall ensure that applicants are consulted before the implementation plan referred to in Article 8 is submitted to the executive board.

## CHAPTER III

### INVESTMENT IN THE FREIGHT CORRIDOR

#### *Article 10*

#### *Investment planning*

1. The management board shall draw up and periodically review an investment plan and shall submit it for approval to the executive board. This plan shall include:
  - (a) the list of the projects foreseen for the extension, renewal or redeployment of railway infrastructure and its equipment along the freight corridor and the relevant financial requirements and sources of finance;
  - (b) a deployment plan relating to the interoperable systems along the freight corridor which satisfies the essential requirements and the technical specifications for interoperability which apply to the network as defined in Directive 2008/57/EC. This deployment plan shall be based on a cost-benefit analysis of the use of interoperable systems;
  - (c) a plan for the management of the capacity of freight trains which may run in the freight corridor. This plan may be based on increasing the length, loading gauge or axle load authorised for the trains running in the freight corridor; and
  - (d) where applicable, reference to the contribution of the Union envisaged under financial programmes of the Union.

2. The application of this Article shall be without prejudice to the competence of the Member States regarding planning of and funding to rail infrastructure.

*Article 11*

*Coordination of works*

The infrastructure managers concerned shall coordinate and publish, according to an appropriate manner and timeframe, their schedule for carrying out all the works on infrastructure and its equipment that would restrict available capacity on the freight corridor.

## **CHAPTER IV**

### **MANAGEMENT OF THE FREIGHT CORRIDOR**

*Article 12*

*One-stop shop for application for infrastructure capacity*

1. The management board for a freight corridor shall designate or establish a joint body and/or an information system through collaboration between infrastructure managers offering applicants the opportunity to request, in a single place and a single operation, infrastructure capacity for freight trains crossing at least one border along the freight corridor (the "one-stop shop").

2. The one-stop shop shall also provide basic information concerning the allocation of the infrastructure capacity, including the information referred in Article 16.
3. The one-stop shop shall forward any application for infrastructure capacity without any delay to the competent infrastructure managers and, where relevant, the allocation bodies as referred to in Article 14(2) of Directive 2001/14/EC, who shall take a decision on that application in accordance with Article 13 and Chapter III of that Directive.
4. The activities of the one-stop shop shall be carried out under transparent and non-discriminatory conditions. These activities shall be subject to control of the regulatory bodies in accordance with Article 18.

### *Article 13*

#### *Capacity allocated to freight trains*

1. Member States shall cooperate on defining the framework for the allocation of the infrastructure capacity in the freight corridor in accordance with their competences as set out in Article 14(1) of Directive 2001/14/EC.
2. The management board shall evaluate the need for capacity to be allocated to freight trains running on the freight corridor taking into account the transport and traffic study referred to in Article 8(3) of this Regulation, the requests for infrastructure capacity relating to the past and present working timetables and the framework agreements.

3. On the basis of the evaluation specified in paragraph 2 of this Article, infrastructure managers of the freight corridor shall jointly define and organise international pre-arranged train paths for freight trains following the procedure referred to in Article 15 of Directive 2001/14/EC recognising the need for capacity of other types of transport, including passenger transport. These pre-arranged paths shall be published no later than three months before the final date for receipt of requests for capacity referred to in Annex III to Directive 2001/14/EC. The infrastructure managers of several freight corridors may, if necessary, coordinate international pre-arranged train paths offering capacity on the freight corridors concerned.
4. Infrastructure managers of the freight corridor shall allocate these pre-arranged paths first to freight trains which cross at least one border.
5. Infrastructure managers shall, if justified by market need and the evaluation referred to in paragraph 2 of this Article, jointly define the reserve capacity for international freight trains running on the freight corridors recognising the need for capacity of other types of transport, including passenger transport and keep this reserve available within their final working timetables to allow them to respond quickly and appropriately to *ad hoc* requests for capacity as referred to in Article 23 of Directive 2001/14/EC. This capacity shall be reserved until the time-limit before its scheduled time as decided by the management board. This time-limit shall not exceed 90 days.

The reserve capacity shall be determined on the basis of the evaluation specified in paragraph 2. Such reserve capacity shall be only made available provided that there is real market need.



6. The management board shall promote coordination of priority rules relating to capacity allocation on the freight corridor.
7. Save in the case of force majeure, a train path allocated to a freight operation under this Article may not be cancelled less than one month before its scheduled time in the working timetable except if the applicant concerned gives its approval for such cancellation. In such a case the infrastructure manager concerned shall make an effort to propose to the applicant a train path of an equivalent quality and reliability which the applicant has the right to accept or refuse. This provision shall be without prejudice to any rights the applicant may have under an agreement as referred to in Article 19(1) of Directive 2001/14/EC.
8. The infrastructure managers of the freight corridor and the advisory group referred to in Article 7(6) shall put in place procedures to ensure optimal coordination of the allocation of capacity between infrastructure managers, both for requests as referred to in Article 12(1) and for requests received by the infrastructure managers concerned. This shall also take account of access to terminals.
9. In paragraphs 4 and 8 of this Article, references to infrastructure managers shall include, where relevant, allocation bodies as referred to in Article 14(2) of Directive 2001/14/EC.

*Article 14*

*Traffic management*

1. Infrastructure managers of the freight corridor shall put in place procedures for coordinating traffic management along the freight corridor and may put in place procedures for coordinating traffic management along several freight corridors.
2. The infrastructure managers of the freight corridor and the advisory group referred to in Article 7(6) shall put in place procedures to ensure optimal coordination between the operation of the railway infrastructure and the terminals.

*Article 15*

*Traffic management in the event of disturbance*

1. The management board shall adopt common targets for punctuality and/or guidelines for traffic management in the event of disturbance to train movements on the freight corridor.
2. Each infrastructure manager concerned shall draw up priority rules for the management between the different types of traffic in the part of the freight corridors within the responsibility of that infrastructure manager in accordance with the common targets and/or guidelines referred to in paragraph 1 of this Article. Those priority rules shall be published in the network statement referred to in Article 3 of Directive 2001/14/EC.

3. The principles for establishing the priority rules shall at least provide that the train path referred to in Article 13(3) and (5) allocated to freight trains which comply with their scheduled time in the working timetable shall not be modified, as far as possible. The principles for establishing the priority rules shall aim at minimising the overall network recovery time with regard to the need of all types of transport. For this purpose, infrastructure managers may coordinate the management between the different types of traffic along several freight corridors.

#### *Article 16*

##### *Information on the conditions of use of the freight corridor*

The management board shall draw up, regularly update and publish a document containing:

- (a) all the information contained in the network statement for national networks regarding the freight corridor, drawn up in accordance with the procedure set out in Article 3 of Directive 2001/14/EC;
- (b) the list and characteristics of terminals, in particular information concerning the conditions and methods of accessing the terminals;
- (c) the information concerning the procedures referred to in Articles 13(8) and 14(2); and
- (d) the implementation plan.

*Article 17*

*Quality of service in the freight corridor*

1. Infrastructure managers of the freight corridor shall promote compatibility between the performance schemes referred to in Article 11 of Directive 2001/14/EC.
2. The management board shall monitor the performance of rail freight services in the freight corridor and publish the results of this monitoring once a year.
3. The management board shall organise a satisfaction survey of the users of the freight corridor and shall publish the results of it once a year.

*Article 18*

*Regulatory bodies*

1. The regulatory bodies referred to in Article 30 of Directive 2001/14/EC shall cooperate in monitoring the competition in the rail freight corridor. In particular, they shall ensure non-discriminatory access to the corridor and shall be the appeal bodies provided under Article 30(2) of that Directive. They shall exchange the necessary information obtained from infrastructure managers and other relevant parties.

2. In the event of a complaint to a regulatory body from an applicant regarding international rail freight services, or within the framework of an own-initiative investigation by a regulatory body, this regulatory body shall consult the regulatory bodies of all other Member States through which the international train path for freight train concerned runs and request all necessary information from them before taking its decision.
3. The regulatory bodies consulted under paragraph 2 shall provide all the information that they themselves have the right to request under their national legislation to the regulatory body concerned. This information may only be used for the purpose of the handling of the complaint or the investigation referred to in paragraph 2.
4. The regulatory body receiving the complaint or having initiated the own-initiative investigation shall transfer relevant information to the regulatory body responsible in order for that body to take measures regarding the parties concerned.
5. Any associated representatives of infrastructure managers as referred to in Article 15(1) of Directive 2001/14/EC shall ensure provision, without delay, of all the information necessary for the purpose of the handling of the complaint or the investigation referred to in paragraph 2 of this Article and requested by the regulatory body of the Member State in which the associated representative is located. This regulatory body shall be entitled to transfer such information regarding the international train path concerned to the regulatory bodies mentioned in paragraph 2 of this Article.

## CHAPTER V

### FINAL PROVISIONS

#### *Article 19*

#### *Committee procedure*

1. The Commission shall be assisted by the Committee referred to in Article 11a of Directive 91/440/EEC.
2. Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.
3. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

*Article 20*

*Exercise of the delegation*

1. The power to adopt the delegated acts referred to in Article 4(8) shall be conferred on the Commission for a period of five years following the entry into force of this Regulation. The Commission shall make a report in respect of the delegated powers at the latest six months before the end of the five year period. The delegation of power shall be automatically extended for periods of an identical duration, unless the European Parliament or the Council revokes it in accordance with Article 21.
2. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
3. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in Articles 21 and 22.

*Article 21*

*Revocation of the delegation*

1. The delegation of power referred to in Article 20 may be revoked by the European Parliament or by the Council.

2. The institution which has commenced an internal procedure for deciding whether to revoke the delegation of power shall inform the other institution and the Commission at the latest one month before the final decision is taken, stating the delegated powers which could be subject to revocation and the reasons for a revocation.
3. The decision of revocation shall put an end to the delegation of the powers specified in that decision. It shall take effect immediately or at a later date specified therein. It shall not affect the validity of the delegated acts already in force. It shall be published in the *Official Journal of the European Union*.

#### *Article 22*

#### *Objections to delegated acts*

1. The European Parliament or the Council may object to the delegated act within a period of three months from the date of notification.
2. If, on expiry of that period, neither the European Parliament nor the Council has objected to the delegated act, or if, before that date, the European Parliament and the Council have both informed the Commission that they have decided not to raise objections, the delegated act shall enter into force at the date stated therein.
3. If the European Parliament or the Council objects to the delegated act, it shall not enter into force. The institution which objects shall state the reasons for objecting to the delegated act.



*Article 23*

*Monitoring implementation*

Every two years from the time of the establishment of a freight corridor, the executive board referred to in Article 7(1) shall present to the Commission the results of the implementation plan for that corridor. The Commission shall analyse those results and notify the Committee referred to in Article 19 of its analysis.

*Article 24*

*Report*

The Commission shall periodically examine the application of this Regulation. It shall submit a report to the European Parliament and the Council, for the first time by ...<sup>\*</sup>, and every three years thereafter.

*Article 25*

*Transitional measures*

This Regulation shall not apply to the Republic of Cyprus and Malta for as long as no railway system is established within their territory.

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\* OJ: please insert date: five years after entry into force of this Regulation.

*Article 26*  
*Entry into force*

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

*Article 27*  
*Publication*

This Regulation shall be published in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

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## ANNEX I

### List of principal routes of freight corridors

	Member States	Principal routes <sup>1</sup>
1.	BE, NL, DE, IT	Zeebrugge-Antwerp/Rotterdam-Duisburg-[ <i>Basel</i> ]-Milan-Genova
2.	NL, BE, LU, FR	Rotterdam-Antwerpen-Luxemburg-Metz-Dijon-Lyon/[ <i>Basel</i> ]
3.	SE, DK, DE, AT, IT	Stockholm-Malmö-Copenhagen-Hamburg-Innsbruck-Verona-Palermo
4.	PT, ES, FR	Sines-Lisboa/Leixões Sines-Elvas/Algeciras -Madrid-San Sebastian- Bordeaux-Paris- Metz
5.	PL, CZ, SK, AT, IT, SI	Gdynia-Katowice-Ostrava/Zilina-Vienna-Trieste/Koper
6.	ES, FR, IT, SI, HU	Almería-Valencia/Madrid-Zaragoza/Barcelona-Marseille-Lyon-Turin-Udine-Trieste/Koper-Ljubljana-Budapest-Zahony (Hungary-Ukraine border)

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<sup>1</sup> "/" means alternative routes.

7.	CZ, AT, SK, HU, RO, BG, EL	Prague-Vienna/Bratislava- Budapest	-Bucharest-Constanta -Vidin-Sofia-Thessaloniki- Athens
8.	DE, NL, BE, PL, LT	Bremerhaven/Rotterdam/Antwerp-Aachen/Berlin-Warsaw- Terespol (Poland-Belarus border)/Kaunas	
9.	CZ, SK	Prague-Horni Lideč-Žilina-Košice-Čierna nad Tisou- (Slovakia- Ukraine border)	

## ANNEX II

### **The criteria to take into account as set out in Articles 4 and 5**

- (a) The consistency of the freight corridor with the TEN-T, the ERTMS corridors and/or the corridors defined by RNE;
- (b) The integration of TEN-T priority projects<sup>1</sup> into the freight corridor;
- (c) The crossing by the freight corridor of the territory of at least three Member States, or of two Member States if the distance between the railway terminals served by the freight corridor is greater than 500 km;
- (d) The interest of the applicants in the freight corridor;
- (e) The balance between the socio-economic costs and benefits stemming from the establishment of the freight corridor;
- (f) The consistency of all of the freight corridors proposed by the Member States in order to set up a European rail network for competitive freight;
- (g) The existence of good interconnections with other modes of transport, in particular due to an adequate network of terminals, including in the maritime and inland ports;
- (h) If appropriate, better interconnections between Member States and neighbouring third countries.

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<sup>1</sup> See Annex III to Decision No 1692/96/EC of the European Parliament and of the Council of 23 July 1996 on Community guidelines for the development of the trans-European transport network (OJ L 228, 9.9.1996, p. 1).