Decision of the Executive Board of
Rail Freight Corridor North Sea-Baltic

adopting the Framework for capacity allocation
on the Rail Freight Corridor North Sea-Baltic

Having regard to

- Regulation (EU) No 913/2010 of the European Parliament and of the Council and in particular Article 14 thereof;
- Directive 2012/34/EU of the European Parliament and of the Council and in particular Chapter IV (Section 3) thereof;

Whereas:

- Directive 2012/34/EU provides the general conditions and objectives of infrastructure capacity allocation;
- Article 14 of Regulation (EU) No 913/2010 provides the particular conditions applicable in the context of rail freight corridors;
- Article 14(1) of Regulation (EU) No 913/2010 requires the Executive Board to define the framework for the allocation of infrastructure capacity on the rail freight corridor;
- Articles 14(2) to (10) of Regulation (EU) No 913/2010 establish the procedures to be followed by the Management Board, Infrastructure Managers and Allocation Bodies, with reference to the general rules contained in Directive 2012/34/EU;
- The Executive Board invites the Management Board to cooperate with the other Management Boards in order to harmonise as far as possible the time limit mentioned in Article 14(5) of Regulation (EU) No 913/2010;
- The Executive Board invites the Management Board to cooperate with the relevant stakeholders in order to harmonise the conditions for capacity allocated but ultimately not used, taking into account Article 14(7) of Regulation (EU) No 913/2010.

Acting in accordance with its internal rules of procedure,

THE EXECUTIVE BOARD HAS ADOPTED THIS DECISION:

Chapter I

PURPOSE, SCOPE AND CHARACTER OF THE FRAMEWORK

Article 1

1. This framework for the allocation of infrastructure capacity on the rail freight corridor ("Corridor Framework") concerns the allocation of pre-arranged paths as defined according to Article 14(3) of Regulation (EU) No 913/2010 ("the Regulation"), and of reserve capacity as defined according to Article 14(5) of the Regulation, displayed by the Corridor One-Stop-Shop ("C-OSS") for freight trains crossing at least one border on a rail freight corridor. It describes the key activities of the C-OSS and Management Board in this respect, and also identifies the responsibilities of the Regulatory Bodies in accordance with Article 20 of the Regulation.
2. The scope of application of the Corridor Framework is the railway network defined in the rail freight corridor implementation plan where principal, diversionary and connecting lines are designated.
3. The Executive Board may decide to allow specific rules within this Corridor Framework for networks which are applying the provisions permitted in accordance with Article 2(6) of Directive 2012/34/EU.
4. In addition, specific rules and terms on capacity allocation may be applicable on parts of the rail freight corridor for the timetable periods 2020 to 2024. These rules and terms are described and defined in Annex 4.

Article 2

The document to be published by the Management Board in accordance with Article 18 of the Regulation – hereinafter referred to as the Corridor Information Document ("CID") – shall reflect the processes in this Corridor Framework.

Chapter II

PRINCIPLES FOR THE OFFER OF PRE-ARRANGED PATHS AND RESERVE CAPACITY

Article 3

1. The offer displayed by the C-OSS contains pre-arranged paths and reserve capacity. The pre-arranged paths and reserve capacity are jointly defined and organised by the IMs/ABs in accordance with Article 14 of the Regulation. In addition, they shall take into account as appropriate:
   - recommendations from the C-OSS based on its experience;
   - customer feedback concerning previous years (e.g. received from the Railway Undertaking Advisory Group);
   - customer expectations and forecast (e.g. received from the Railway Undertaking Advisory Group);
   - results from the annual users satisfaction survey of the rail freight corridor;
   - findings of any investigation conducted by the Regulatory Body in the previous year;

2. The infrastructure managers and allocation bodies (IMs/ABs shall ensure that the pre-arranged path catalogue and reserve capacity are appropriately published. Before publication of the pre-arranged path catalogue and reserve capacity, the Management Board shall inform the Executive Board about the offer and its preparation.

3. Upon request of the Regulatory Bodies and in accordance with Articles 20(3) and 20(6) of the Regulation, IMs/ABs shall provide all relevant information allowing Regulatory Bodies to assess the non-discriminatory designation and offer of pre-arranged paths and reserve capacity and the rules applying to them.

Article 4

1. The pre-arranged paths shall be handed over to the C-OSS for exclusive management at the latest by X-11[1], and reserve capacity at the latest by X-2. The Management Board is required to decide whether, and if so to what extent, unused pre-arranged paths are to be returned by the C-OSS to the relevant IMs/ABs at X-7.5 or kept by the C-OSS after X-7.5 in order to accept late requests, taking into account the need for sufficient reserve capacity. The Management Board shall publish in the CID the principles on which it will base its decision.

Article 5

1. The pre-arranged paths managed by the C-OSS for allocation in the annual timetable and the reserve capacity are dedicated solely to the rail freight corridor. Therefore, it is essential that the displayed dedicated capacity is protected between its publication in the pre-arranged path catalogue and the allocation decision by the C-OSS at X-7.5 against unilateral modification by the IMs/ABs.

2. Following the allocation decision by the C-OSS at X-7.5, an IM/AB and an applicant may agree to minor modifications of the allocated capacity that do not impact the results of the allocation decision. In that case, the modified capacity shall have the same level of protection as that applied to the original capacity.

Article 6

1. Certain pre-arranged paths may be designated by the Management Board for the application of the network pre-arranged path priority rule "Network PaP rule" (defined in Annex 1) aimed at better matching traffic demand and best use of available capacity, especially for capacity requests involving more than one rail freight corridor. The Network PaP rule may apply to pre-arranged path sections linked together within one single or across several rail freight corridors. These sections are designated to promote the optimal use of infrastructure capacity available on rail freight corridors. A pre-arranged path on which the Network PaP rule applies is called "Network PaP".

2. The designation of Network PaPs, in terms of origin and destination and quantity should take into account the following as appropriate:

   - scarcity of capacity;
   - the number and characteristics of conflicting requests as observed in previous years;

[1] X indicates the date of the timetable change; figures refer to months. Therefore X-11 is 11 months before the timetable change etc.

- number of requests involving more than one rail freight corridor as observed in previous years;
- number of requests not satisfied, etc. as observed in previous years.

3. Explanations for the designation of Network PaPs, the rail freight corridor sections to be covered by Network PaPs and an indicative share of Network PaPs as a proportion of all pre-arranged paths offered on the rail freight corridor shall be published in the CID.
4. Where Network PaPs relate to more than one rail freight corridor, the Management Board shall cooperate with the Management Board(s) of the other relevant rail freight corridor(s) to engage the IMs/ABs in the designation process. If one rail freight corridor identifies a need for Network PaPs on several rail freight corridors, the other rail freight corridor(s) involved should if possible meet the request. These Network PaPs can only be designated if the Management Boards of all relevant rail freight corridors agree.

Chapter III

PRINCIPLES OF ALLOCATION OF PRE-ARRANGED PATHS AND RESERVE CAPACITY

Article 7

1. The decision on the allocation of pre-arranged paths and reserve capacity on the rail freight corridor shall be taken by the C-OSS, in accordance with Article 13 of the Regulation.

The activities under the timetabling processes concerning pre-arranged paths and reserve capacity are set out in Annex 2.

III-A GENERAL PRINCIPLES RELATED TO THE FUNCTIONING OF THE C-OSS

Article 8

1. The CID to be published by the Management Board shall describe at least the competences, the form of organisation, the responsibilities vis-à-vis applicants and the mode of functioning of the C-OSS and its conditions of use.
2. The corridor capacity shall be published and allocated via an international path request coordination system, which is as far as possible harmonised with the other rail freight corridors.

III-B PRINCIPLES OF ALLOCATION

Article 9

1. The C-OSS is responsible for the allocation of pre-arranged paths and reserve capacity on its own rail freight corridor.
2. An applicant requesting pre-arranged paths or reserve capacity covering more than one rail freight corridor may select one C-OSS to act as a single point of contact to co-ordinate its request, but that C-OSS remains responsible for the allocation of capacity on its own rail freight corridor only.

3. Where the same pre-arranged paths are jointly offered by more than one rail freight corridor, the Management Board shall coordinate with the other Management Board(s) concerned to designate the C-OSS responsible for allocating those paths and publish this in the CID.

Article 10

1. After receipt of all path requests for pre-arranged paths at X-8 (standard deadline for submitting path requests for the annual timetable) the C-OSS shall decide on the - allocation of pre-arranged paths by X-7.5 and indicate the allocation in the path register accordingly.
2. Requests for pre-arranged paths that cannot be met pursuant to Article 13(3) of the Regulation and that are forwarded to the competent IMs / ABs in accordance with Article 13(4) are to be considered by IMs/ABs as having been submitted before the X-8 deadline. The IMs/ABs shall take their decision and inform the C-OSS within the timescales set out in Annex VII of Directive 2012/34/EU and described in Annex 2 of this Corridor Framework. The C-OSS shall complete the processing of the request and inform the applicant of the decision as soon as possible after receiving the decision from the competent IMs/ABs.
3. The Management Board is invited to decide the deadline for submitting requests for reserve capacity to the C-OSS in a harmonised way at 30 days before the running date.
4. Without prejudice to Article 48(1) of Directive 2012/34/EU, the C-OSS shall endeavour to provide a first response to requests for reserve capacity within five calendar days of receiving the path request.

III-C PRINCIPLES OF FAIRNESS AND INDEPENDENCE

Article 11

1. The C-OSS shall respect the commercial confidentiality of information provided to it.
2. In the context of the rail freight corridor, and consequently from the point of view of international cooperation, C-OSS staff shall, within their mandate, work independently of their IMs/ABs in taking allocation decisions for pre-arranged paths and reserve capacity on a rail freight corridor. However, the C-OSS staff should work with the IMs/ABs for the purpose of coordinating the allocation of pre-arranged paths and reserve capacity with the allocation of feeder/outflow national paths.

III-D PRIORITIES TO BE APPLIED BY THE C-OSS IN CASE OF CONFLICTING REQUESTS

Article 12

1. In the event of conflicting requests, the C-OSS may seek resolution through consultation as a first step, if the following criteria are met:
   - The conflict is only on a single rail freight corridor;
   - Suitable alternative pre-arranged paths are available.
2. Where consultation is undertaken, the C-OSS shall address the applicants and propose a solution. If the applicants agree to the proposed solution, the consultation process ends.

3. If for any reason the consultation process does not lead to an agreement between all parties by X-7.5 the priority rules described in Annex 1 apply.

Article 13

1. Where consultation under Article 12 is not undertaken, the C-OSS shall apply the priority rules and the process described in Annex 1 immediately.
2. The priority rules concern only pre-arranged paths and are applied only between X-8 and X-7.5 in the event of conflicting applications.
3. Once the allocation decision is made for requests received by X-8, the C-OSS shall propose suitable alternative pre-arranged paths, if available, to the applicant(s) with the lower priority ratings or, in the absence of suitable alternative pre-arranged paths, shall without any delay forward the requests to the competent IMs/ABs in accordance with Article 13(4) of the Regulation. These path requests are to be considered by IMs/ABs as having been submitted before the X-8 deadline.
4. Experience of the conflict resolution process should be assessed by the Management Board and taken into consideration for the pre-arranged path planning process in following timetable periods, in order to reduce the number of conflicts in following years.

Article 14

With regard to requests placed after X-8, the principle "first come, first served" shall apply.

Chapter IV

APPLICANTS

Article 15

1. An applicant may apply directly to the C-OSS for the allocation of pre-arranged paths or reserve capacity.
2. Applicants shall accept the rail freight corridor's general terms and conditions as laid down in the CID in order to place requests for pre-arranged path and reserve capacity. A copy of these general terms and conditions shall be provided free of charge upon request. The applicant shall confirm that:
   - it accepts the conditions relating to the procedures of allocation as described in the CID,
   - it is able to place path requests via the system referred to in Article 8,
   - it is able to provide all data required for the path requests.

   The conditions shall be non-discriminatory and transparent.
3. The allocation of pre-arranged paths and reserve capacity by the C-OSS to an applicant is without prejudice to the national administrative provisions for the use of capacity.
4. Once the pre-arranged path/reserve capacity is allocated by the C-OSS, the applicant shall appoint the railway undertaking(s) which will use the train path/reserve capacity on its behalf and shall inform the C-OSS and the IMs / ABs accordingly. If this appointment is not provided by the applicant by 30 days before the running day at the latest, regardless of

whether it is a prearranged path or reserve capacity, the allocated path shall be considered as cancelled.

5. The CID shall describe the rights and obligations of applicants vis-à-vis the C-OSS, in particular where no undertaking has yet been appointed.

Chapter V

REGULATORY CONTROL

Article 16

1. The application of this Corridor Framework on the annual allocation of capacity shall be subject to the control of the Regulatory Bodies.
2. Article 20 of the Regulation requires the relevant Regulatory Body in each rail freight corridor to collaborate with other relevant Regulatory Bodies. The Executive Board invites the Regulatory Bodies involved on the corridor to set out the way in which they intend to cooperate on regulatory control of the C-OSS, by developing and publishing a cooperation agreement defining how complaints regarding the allocation process of the C-OSS are to be filed and how decisions following a complaint are to be taken. The Executive Board also invites the Regulatory Bodies to set out the procedures they envisage for co-operation across rail freight corridors.
3. Where a cooperation agreement has been developed and published, the CID should provide a link to it.

Chapter VI

FINAL PROVISIONS

Article 17

The Management Board shall inform the Executive Board on an annual basis, using the indicators identified in Annex 3, of the quantitative and qualitative development of pre-arranged paths and reserve capacity, in accordance with Article 9(1)c and 19(2) of the Regulation. On this basis, the Executive Board shall evaluate the functioning of the Corridor Framework annually and exchange the findings with the other rail freight corridors applying this Corridor Framework. The Regulatory Bodies may inform the Executive Board of their own observations on the monitoring of the relevant freight corridor.

Article 18

1. The Executive Board has taken this Decision on the basis of mutual consent of the representatives of the authorities of all its participating States, in accordance with the provisions of Article 14(1) of the Regulation. This Decision is legally binding on its addressees and shall be published.
2. This Corridor Framework replaces any previous Corridor Framework. It shall come into force on 14 December 2019 for the timetable period 2020.
3. Changes to this Corridor Framework can be made but only after consultation with the Management Board and with all rail freight corridors' Executive Boards and Regulatory Bodies.

Article 19

1. The priority rule and the process described in Annex 1, which are based on frequency and distance criteria, shall be evaluated by the rail freight corridor at the latest in the second half of 2021. This evaluation shall be based on a general assessment undertaken by the rail freight corridor taking into account its experience in terms of allocation. The evaluation shall also take into account the experiences from the specific rules and terms as referred to in Article 1(4).
2. In accordance with the results of the evaluation of the priority rule, as described above, any potential modification would take effect for the timetable period 2023 and onwards.

Article 20

A reference to this Corridor Framework will be included in the CID and in the network statements of the IMs/ABs.

Article 21

This Decision is addressed to the IMs/ABs and the Management Board of the rail freight corridor.

Signed in Bonn, on 18th December 2018

On behalf of the Executive Board of the Rail Freight Corridor North Sea-Baltic
Chair person

Wolfgang Küpper

ANNEXES

1. Description of the priority rule at X-8 in the event of conflicting requests for pre-arranged paths

2. Activities within the timetabling processes concerning pre-arranged paths and reserve capacity

3. Evaluation of the allocation process.

4. Specific rules and terms on capacity allocation applicable on parts of the rail freight corridor according to Art. 1(4)

ANNEX 1

Description of the priority rule at X-8 in the event of conflicting requests for pre-arranged paths.

For the purpose of this Annex, a request comprises a train run from origin to destination, including sections on one or more rail freight corridors as well as feeder and/or outflow paths, on all of its running days. In certain cases, which are due to technical limitations of the IT system used, a request may have to be submitted in the form of more than one dossier. These cases must be described in the CID.

If no "Network PaP" is involved in the conflicting requests

The priority is calculated according to this formula:

$$K = (L^{PAP} + L^{F/O}) \times Y^{RD}$$

L^{PAP} = Total requested length of all PaP sections on all involved RFCs included in one request.

$L^{F/O}$ = Total requested length of the feeder/outflow path(s) included in one request; for the sake of practicality, is assumed to be the distance as the crow flies.

Y^{RD} = Number of requested running days for the timetable period. A running day will only be taken into account for the priority calculation if it refers to a date with a published PaP offer for the given section.

K = The rate for priority

All lengths are counted in kilometres.

The method of applying this formula is:

in a first step the priority value (K) is calculated using only the total requested length of pre-arranged path (L^{PAP}) multiplied by the Number of requested running days (Y^{RD});

- if the requests cannot be separated in this way, the priority value (K) is calculated using the total length of the complete paths ($L^{PAP} + L^{F/O}$) multiplied by the number of requested running days (Y^{RD}) in order to separate the requests;
- if the requests cannot be separated in this way, a random selection is used to separate the requests. This random selection shall be defined in the CID.

If a "Network PaP" is involved in at least one of the conflicting requests:

- If the conflict is not on a "Network PaP", the priority rule described above applies
- If the conflict is on a "Network PaP", the priority is calculated according to the following formula:

$$K = (L^{NetPAP} + L^{Other\ PAP} + L^{F/O}) \times Y^{RD}$$

K = Priority value

L^{NetPAP} = Total requested length (in kilometres) of the PaP defined as "Network PaP" on either RFC included in one request.

$L^{Other\ PAP}$ = Total requested length (in kilometres) of the PaP (not defined as "Network PaP") on either RFC included in one request.

$L^{F/O}$ = Total requested length of the feeder/outflow path(s) included in one request; for the sake of practicality, is assumed to be the distance as the crow flies.

Y^{RD} = Number of requested running days for the timetable period. A running day will only be taken into account for the priority calculation if it refers to a date with a published PaP offer for the given section.

The method of applying this formula is:

- in a first step the priority value (K) is calculated using only the total requested length of the "Network PaP" (L^{NetPAP}) multiplied by the Number of requested running days (Y^{RD})
- if the requests cannot be separated in this way, the priority value (K) is calculated using the total length of all requested "Network PaP" sections and other PaP sections ($L^{NetPAP} + L^{Other\ PAP}$) multiplied by the Number of requested running days (Y^{RD}) in order to separate the requests
- if the requests cannot be separated in this way, the priority value (K) is calculated using the total length of the complete paths ($L^{NetPAP} + L^{Other\ PAP} + L^{F/O}$) multiplied by the Number of requested running days (Y^{RD}) in order to separate the requests

If the requests cannot be separated in this way, a random selection is used to separate the requests. This random selection shall be defined in the CID.

ANNEX 2

Activities under the timetabling processes concerning pre-arranged paths and reserve capacity.

Date/period	Activity
X-19 – X-16	Preparation phase
X-16 – X-12	Construction phase
X-12 – X-11	Approval and publication
X-11	Publication of pre-arranged paths provided by the IMs/ABs and identification among them of the designated Network PaPs
X-11 – X-8	Application for the Annual Timetable
X-8	Deadline for submitting path requests
X-8 – X-7.5	Pre-booking phase
X-7.5	Forwarding requests with "flexible approaches" (e.g. Feeder/Outflow) "special treatments" and requests where the applicant has neither received the requested pre-arranged path nor accepted – if applicable – an appropriate alternative pre-arranged path to IMs/ABs
X-7.5	Possible return of some remaining (unused) pre-arranged paths to the competent IMs/ABs – based on the decision of the rail freight corridor Management Board – for use during the elaboration of the annual timetable by the IMs/ABs
X-7.5 – X-5.5	Path construction phase for the "flexible approaches"
X-5.5	Finalisation of path construction for requested "flexible approaches" by the IMs/ABs and delivering of the results to C-OSS for information and development of the draft timetable
X-5	Publication of the draft timetable for pre-arranged paths – including sections provided by the IMs/ABs for requested "flexible approaches" by the C-OSS - and for tailor-made alternatives in case the applicant has neither received the requested pre-arranged path nor accepted – if applicable – an appropriate alternative pre-arranged path
X-5 – X-4	Observations from applicants
X-4 – X-3.5	Post-processing and final allocation
X-7,5 – X-2	Late path request application phase
X-4 – X-1	Late path request allocation phase
X-4 – X-2	Planning (production) reserve capacity for ad-hoc traffic
X-2	Publication reserve capacity for ad-hoc traffic
X-2 – X+12	Application and allocation phase for ad hoc path requests
X+12 – X+15	Evaluation phase

ANNEX 3

Evaluation of the allocation process

The process of capacity allocation on the rail freight corridor shall be evaluated throughout the allocation process, with a focus on continuous improvement of the working of the C-OSS. The evaluation shall take place after the major deadlines:

X-11: Publication of PaPs

X-8: Deadline for submitting path requests in the annual timetabling process

X-7.5: Deadline for treatment of PaP requests for the annual timetable by the C-OSS

X-2: Publication of reserve capacity for ad-hoc traffic

The evaluation shall be undertaken by the Management Board. Furthermore, the Management Board shall compile an annual evaluation report which includes recommendations for improvements of the capacity allocation process. The Annual report shall be addressed to the Executive Board.

The results of the monitoring shall be published by the Management Board, and to be included in the reporting as referred to in Article 19 of the Regulation.

The following basic indicators shall at least be evaluated using the methodology outlined below:

Indicator	Calculation formula	Timing
Volume of offered capacity	Km*days offered	At X-11 and X-2
Volume of requested capacity	Km*days requested	At X-8
Volume of requests	Number of requests	At X-8
Volume of capacity (pre-booking phase)	Km*days -(pre-booking phase)	At X-7.5
Number of conflicts	Number of requests submitted to the C-OSS which are in conflict with at least one other request	At X-8

ANNEX 4

Specific rules and terms on capacity allocation applicable on parts of the rail freight corridor according to Art. 1(4)

This Annex will apply on the following parts of the rail freight corridor:
- Rotterdam-Antwerp, on the RFC "North Sea-Mediterranean"
- Mannheim-Miranda de Ebro, on the RFC "Atlantic"
- Munich-Verona, on the RFC "Scandinavian-Mediterranean"

For additional routes, the Management Board shall make a proposal to the Executive Board for approval.

The decision shall be published by the Management Board in accordance with Article 18 of the Regulation.

The timeline of Annex 2 shall be adapted as follows for the reserve capacity provided in accordance to Article 1(4):
- [X-4 – X-2: Planning (production) reserve capacity for ad-hoc traffic] shall be replaced by [Until X-11: Planning (production) reserve capacity]
- [X-2: Publication reserve capacity for ad-hoc traffic" shall be replaced by [X-11: Publication of reserve capacity]
- [X-2 – X+12: Application and allocation phase for ad hoc path requests] shall be replaced by [M-4 – M-1: Application for reserve capacity and start of allocation phase]

In its request, the applicant has to indicate the timetable period of the request. If one or several operation days (following the first day of operation) are part of subsequent timetable periods, the applicant may announce this in its request. The request may not exceed a period of 36 months.

The C-OSS must consider the request in all timetable periods concerned:
- For the first timetable period, the C-OSS has to allocate a path, if available;
- For subsequent timetable periods, the concerned IMs may conclude a framework agreement in compliance with Article 42 of Directive 2012/34/EU and Commission Implementing Regulation (EU) 2016/545 where possible.

GLOSSARY OF ABBREVIATIONS

- **AB:** Allocation Body
- **IM:** Infrastructure Manager
- **C-OSS:** Corridor One Stop Shop
- **PaP:** Pre-arranged path
- **X:** Starting date of a timetable
- **F/O:** Feeder / Outflow
- **RD:** Running days
- **RFC:** Rail Freight Corridor
- **Network PaP:** Pre-arranged path on which the "Network PaP rule" applies.
- **CID:** Corridor Information Document
- **TCRs:** Planned Temporary Capacity Restrictions
- **M-x**: x Months prior to first day of operation