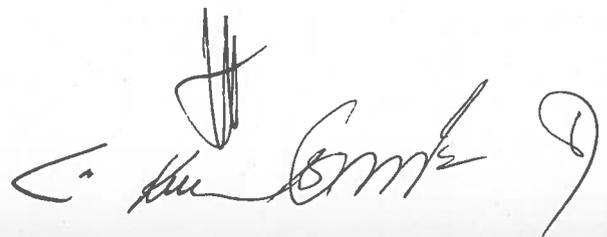


**Decision of the Executive Board of Rail Freight Corridor
North Sea – Baltic
of 12 January 2015**
establishing the Framework for capacity allocation
on the Rail Freight Corridor

 ¹



Having regard to

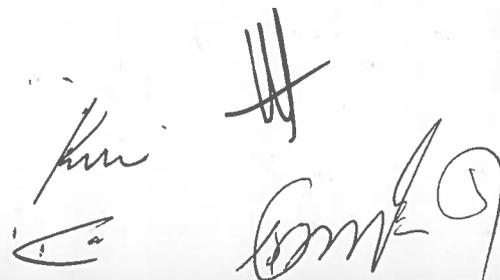
- Regulation (EU) No 913/2010 of the European Parliament and of the Council and in particular Article 14 thereof;
- Regulation (EU) No 1316/2013 of the European Parliament and of the Council, and in particular Annex II;
- Directive 2012/34/EU of the European Parliament and of the Council and in particular Chapter IV (Section 3).

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 Framework Capacity Allocation has been discussed with all other rail freight corridors with the aim for a harmonized Framework between the nine rail freight corridors and by allowing requests for prearranged paths covering multiple corridors;
- 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 of the North Sea Baltic Rail Freight Corridor, as referred to in Article 8 of Regulation (EU) No 913/2010, has been established the 20th of March 2012, its existence has been recognized by the signatory Ministers to the Agreement concerning the Executive board of the North Sea Baltic rail freight corridor the 8 October 2014;
- The Framework for capacity allocation of this decision concerns the timetable period 2016 only;
- Until the completion of the Rail Baltic line in 1435 mm nominal track gauge, the specificities of different track gauge systems shall be taken into account in the establishment and operation of this corridor. If the corridor includes 1520 mm track gauge lines, the Executive Board will decide about the applicable Framework for Capacity Allocation for the whole corridor;
- This decision shall be without prejudice to the competence of the Member States regarding planning and funding of railway infrastructure.

Acting in accordance with its internal Rules of procedure,

HAS ADOPTED THIS DECISION:

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Signed in Frankfurt am Main, on 12th of January 2015, in English
The present Decision takes effect the day following the date of signing.

Julie BUY

Alternate Member of the Executive Board for the Minister for Mobility of the Kingdom of Belgium



Jindřich KUŠNÍR

Full Member of the Executive Board for the Minister of Transport of the Czech Republic



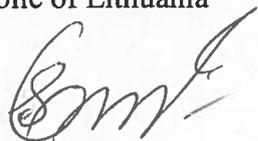
Wolfgang KÜPPER

Full Member of the Executive Board for the Federal Minister of Transport and Digital Infrastructure of the Federal Republic of Germany



Saulius GIRDAUSKAS

Full Member of the Executive Board for the Minister of Transport and Communications of the Republic of Lithuania



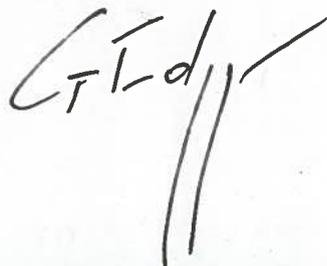
Hellen VAN DONGEN

Full Member of the Executive Board for the State Secretary of Infrastructure and the Environment of the Kingdom of The Netherlands



Maciej GŁADYGA

Full Member of the Executive Board for the Minister of Infrastructure and Development of the Republic of Poland



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 given to the Corridor One-Stop-Shop ("C-OSS") for freight trains crossing at least one border on a rail freight corridor. In this respect it also describes the activities of the C-OSS, of the Management Board and of the Regulatory Bodies.
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.

The Executive Board may decide to allow specific rules within this framework for capacity allocation for networks which are applying the provisions permitted in accordance with Article 2(6) of Directive 2012/34/EU.

Chapter II

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

Article 2

1. The offer of the C-OSS is made of pre-arranged paths and reserve capacity. The infrastructure managers and allocation bodies (IMs/ABs) shall pool their pre-arranged paths into the pre-arranged path catalogue of the C-OSS. Before publication of the pre-arranged path catalogue and reserve capacity, the Management Board shall inform the Executive Board about the offer and related information about its preparation.
2. The pre-arranged paths and reserve capacity are jointly defined and organised by the IMs/ABs in accordance with Article 14 of the Regulation and taking into account in addition 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 customers satisfaction survey of the rail freight corridor.
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 them to assess the non-discriminatory designation and offer of pre-arranged paths and the rules applying to them.

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Article 3

The pre-arranged paths must be handed over to the C-OSS for exclusive management at the latest by X-11¹, 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, according to a principle published in the Corridor Information Document and taking into account the need for sufficient reserve capacity of good quality.

Article 4

1. The pre-arranged paths managed by the C-OSS for allocation in the annual timetable and the reserve capacity are dedicated to the rail freight corridor. Therefore it is essential that the displayed dedicated capacity is protected against unilateral modification by the IMs/ABs between publication and allocation decision that could adversely affect applicants.
2. Following the allocation decision, 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 that applied to the original capacity.

Article 5

1. Certain pre-arranged paths may be designated by the Management Board for the application of the network pre-arranged paths priority rule "Network PaP rule" (defined in annex 3) 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. They 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 as appropriate:
 - scarcity of capacity,
 - the number and characteristics of conflicting requests as observed in previous years,
 - 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 must be published in Book 4 of the Corridor Information Document.

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

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4. Where Network PaPs relate to more than one rail freight corridor, the IMs/ABs of the relevant rail freight corridors shall cooperate through their Management Boards 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 in consensus.

Chapter III

PRINCIPLES OF ALLOCATION OF PRE-ARRANGED PATHS AND RESERVE CAPACITY BY THE C-OSS

Article 6

1. The decision on the allocation of pre-arranged paths and reserve capacity on the rail freight corridor is taken by the C-OSS, in accordance with Article 13 of the Regulation.
2. The activities within the timetabling processes concerning pre-arranged paths and reserve capacity are described in annex 2.

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

Article 7

The Corridor Information Document to be published by the Management Board in accordance with Article 18 of the Regulation, must describe at least the competences, the form of organisation, responsibilities vis-à-vis applicants and the mode of functioning of the C-OSS and its conditions of use.

III-B PRINCIPLES OF ALLOCATION

Article 8

1. Except in the circumstances described in paragraph (3), the C-OSS is responsible for the allocation of pre-arranged paths and reserve capacity only 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 Boards concerned shall designate the C-OSS responsible for allocating those paths and publish this in their Corridor Information Documents.

Article 9

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 is required to 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)

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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 time schedule 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 and inform the applicant of the decision as soon as possible after receiving the decision from the competent IMs/ABs.

3. In accordance with Article 48 of Directive 2012/34/EU, the C-OSS shall respond to requests for reserve capacity within five working days of receiving the path request.

III-C PRINCIPLES OF FAIRNESS AND INDEPENDENCE

Article 10

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 level. 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 PRINCIPLES OF COOPERATION AND BALANCE

Article 11

The Management Board shall inform the Executive Board on an annual basis 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. The Executive Board invites the Management Board to monitor the capacity allocation on the basis of annex 1.

III-E PRIORITIES TO BE APPLIED BY THE C-OSS IN CASE OF CONFLICTING APPLICATIONS

Article 12

After receipt of all requests for pre-arranged paths at X-8, in accordance with Article 13 of Regulation the C-OSS shall decide on the allocation of the pre-arranged paths.

Article 13

1. In the event of conflicting requests, resolution through consultation may be promoted and performed in a first step between applicants and the C-OSS, if all the following criteria are met:
 - conflict is only on a single rail freight corridor
 - Alternative pre-arranged paths are available
 - The difference between the priority values (as described in annex 3) of the conflicting requests is not higher than 20% of the highest priority value
 - Only two requests for the same pre-arranged path.

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2. The C-OSS addresses both applicants and proposes a solution. If both 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 at X-7.5 the priority rules described in annex 3 apply.

Article 14

1. In the case of conflicts which do not meet the criteria listed in Article 13, the C-OSS shall apply the priority rules and the process described in annex 3 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 alternative pre-arranged paths if available to the applicant(s) with the lower priority ratings. If these alternative solutions are not adequate for the applicant(s), the C-OSS shall 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 paths planning process in following timetable periods. Changing the pre-arranged paths offer in the light of experience may reduce the number of conflicts in following years.

Article 15

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

Chapter IV APPLICANTS

Article 16

1. Article 15 of the Regulation clarifies that applicants entitled to request pre-arranged paths include railway undertakings, international groupings of railway undertakings and other persons or legal entities, such as shippers, freight forwarders and combined transport operators.
2. In accordance with Article 15 of the Regulation an applicant may apply directly to the C-OSS for the allocation of pre-arranged paths or reserve capacity.
3. Applicants shall sign the rail freight corridor’s general terms and conditions in order to place requests for pre-arranged path and reserve capacity. These general terms and conditions shall be provided free of charge and shall comprise a declaration from the applicant that:
 - it accepts the conditions set out in the Corridor Information Document,
 - it is able to place capacity requests through appropriate IT systems.

The conditions shall be non-discriminatory and transparent.

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4. 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.
5. If the pre-arranged path/reserve capacity is allocated by the C-OSS accordingly, an applicant that is not a railway undertaking (hereafter non-RU applicant) shall notify to the C-OSS and / or the concerned IMs/ABs by the deadline set out by the Management Board, the designated railway undertaking(s) which will use the train path/reserve capacity on its behalf. The designated railway undertaking must therefore have concluded the necessary individual contracts and agreements with the IMs or ABs concerned in accordance with the respective national network access conditions. The conditions governing such agreement shall be non-discriminatory and transparent.
6. If:
 - a non-RU applicant has not appointed a railway undertaking in order to use the pre-arranged path and reserve capacity, or
 - the appointed railway undertaking has not concluded the necessary agreements as set out by Article 28 of Directive 2012/34/EUby the deadline set out by the Management Board, that non-RU applicant shall lose its rights to the allocated infrastructure.
7. The Corridor Information Document shall describe the rights and obligations of applicants vis-à-vis the C-OSS, in particular where no Railway Undertaking has been assigned yet.

Chapter V

REGULATORY CONTROL

Article 17

1. The impact of this Corridor Framework on the annual allocation of capacity is subject to control by 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 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 Corridor Information Document should provide a link to it.

Chapter VI

IMPLEMENTATION

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.

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2. The Executive Board shall evaluate the functioning of the Corridor Framework annually using the monitoring report foreseen at Article 19(2) of the Regulation which may take into account the monitoring established in annex 1. The Regulatory Bodies will inform the Executive Board of their own observations.
3. Any changes to this framework for capacity allocation can be made but only after consultation with the Management Board and with all rail freight corridors.
4. This Corridor Framework replaces any previous Corridor Framework and shall come into force for the timetable period 2016. The Corridor Framework is valid for one timetable period. The Executive Board may decide to prolong it or modify it for consecutive years with the aim of achieving harmonisation of this Corridor Framework with other rail freight corridors.

Article 19

A reference to this Corridor Framework will be included in the Corridor Information Document and in the networks statements of the Infrastructure Managers and Allocation Bodies.

Article 20

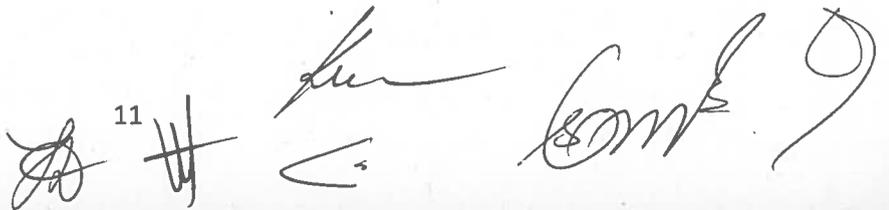
This decision is addressed to the IMs/ABs and the Management Board of the rail freight corridor.

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ANNEXES

1. Monitoring of the allocation process
2. Activities within the timetabling processes concerning pre-arranged paths and reserve capacity
3. Description of the priority rule at X-8 in the event of conflicting requests for pre-arranged paths

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ANNEX 1

Monitoring of the allocation process

The process of capacity allocation shall be evaluated on an annual basis on the rail freight corridor with a view to continuous improvement of the process. The evaluation shall be done after the allocation of the annual timetable, i.e. in period Mid-August – October each year.

The evaluation shall be done by the Management Board, and the Railway Undertaking Advisory Group and Terminal Advisory Group shall be consulted.

An evaluation report with recommendations shall be discussed in the Executive Board each year.

The results of the monitoring shall be published by the Management Board, according to Article 19 of the Regulation.

The following indicators shall be monitored on an bi-annual basis (period 1: mid December till mid June, period 2: mid June to mid December (change of timetable):

- pre-arranged paths (PaP):
 - o number of PaPs offered X-11 per section
 - number of PaPs for which standard priority rule applies
 - number of PaPs for which Network PaP priority rule applies
 - o the number of requests period X-11 till X-8 and X-8 (-1 day) till X-2 (with feeder/outflow sections)
 - total number of requests
 - number of requests covering only PaP sections where standard priority rule applies
 - number of requests covering only PaP sections where Network PaP priority rule applies
 - o number of PaPs which are allocated by C-OSS
 - number of PaPs for which standard priority rule applies
 - number of PaPs for which Network PaP priority rule applies
 - o number of PaPs which reached the active timetable phase
 - o number of conflicting applications (double booking at X-8)
 - conflicts solved by consultation
 - conflicts decided based on the standard priority rule
 - conflicts decided based on the Network PaP priority rule
- Indicator for reserve capacity to be allocated by C-OSS between X-2 and X+12 :
 - o Paths offered;
 - o Paths allocated;
 - o Paths reaching the status of active timetable.

ANNEX 2

Activities within 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) or “special treatments” 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
X-5 – X-4	Observations from applicants
X-4 – X-3.5	Post-processing and final allocation
X-8 – X-4	Late path request application phase
X-4 – X-2	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

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ANNEX 3

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

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

L^{PAP} = Total requested length of all PaP sections on all involved RFCs

$L^{F/O}$ = Total requested length of the feeder/outflow path(s); 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.

K = The rate for priority

All lengths are counted in kilometres.

The priority is calculated according to this formula:

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

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 Corridor Information Document.

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:



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

K = Priority value

L^{NetPAP} = Total requested length (in kilometres) of the PaP defined as “Network PaP” on either RFC

$L^{\text{Other PAP}}$ = Total requested length (in kilometres) of the PaP (not defined as “Network PaP”) on either RFC

$L^{\text{F/O}}$ = Total requested length of the feeder/outflow path(s); 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

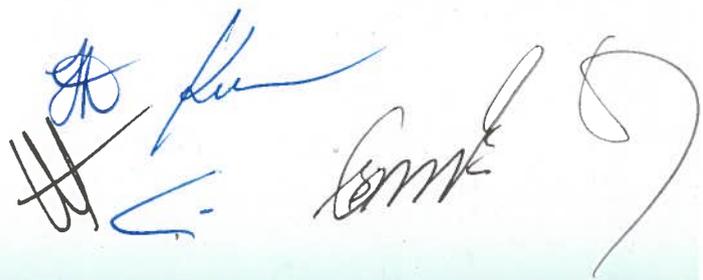
The method of applying this formula is:

- 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 ($L^{\text{NetPAP}} + L^{\text{Other PAP}}$) 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 ($L^{\text{NetPAP}} + L^{\text{Other PAP}} + L^{\text{F/O}}$) 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 Corridor Information Document.



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.

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