

ANNEX V

BASIC PRINCIPLES AND PARAMETERS OF CONTRACTUAL AGREEMENTS BETWEEN COMPETENT AUTHORITIES AND INFRASTRUCTURE MANAGERS (referred to in Article 30)

The contractual agreement shall specify the provisions of Article 30 and include at least the following elements:

- (1) the scope of the agreement as regards infrastructure and service facilities, structured in accordance with Annex II. It shall cover all aspects of infrastructure management, including maintenance and renewal of the infrastructure already in operation. Where appropriate, construction of new infrastructure may also be covered;
- (2) the structure of payments or funds allocated to the infrastructure services listed in Annex II, to maintenance and renewal and to dealing with existing maintenance and renewal backlogs. Where appropriate, the structure of payments or funds allocated to new infrastructure may be covered;
- (3) user-oriented performance targets, in the form of indicators and quality criteria covering elements such as:
 - (a) train performance, such as in terms of line speed and reliability, and customer satisfaction,
 - (b) network capacity,
 - (c) asset management,
 - (d) activity volumes,
 - (e) safety levels, and
 - (f) environmental protection;
- (4) the amount of possible maintenance backlog and the assets which will be phased out of use and therefore trigger different financial flows;
- (5) the incentives referred to in Article 30(1), with the exception of those incentives implemented through regulatory measures in accordance with Article 30(3);
- (6) minimum reporting obligations for the infrastructure manager in terms of content and frequency of reporting, including information to be published annually;
- (7) the agreed duration of the agreement, which shall be synchronised and consistent with the duration of the infrastructure manager's business plan, concession or licence, where appropriate, and the charging framework and rules set by the State;
- (8) rules for dealing with major disruptions of operations and emergency situations, including contingency plans and early termination of the contractual agreement, and timely information to users;
- (9) remedial measures to be taken if either of the parties is in breach of its contractual obligations, or in exceptional circumstances affecting the availability of public funding; this includes conditions and procedures for renegotiation and early termination.