

ANNEX I

LIST OF RAILWAY INFRASTRUCTURE ITEMS

Railway infrastructure consists of the following items, provided they form part of the permanent way, including sidings, but excluding lines situated within railway repair workshops, depots or locomotive sheds, and private branch lines or sidings:

- Ground area,
- Track and track bed, in particular embankments, cuttings, drainage channels and trenches, masonry trenches, culverts, lining walls, planting for protecting side slopes, etc.; passenger and goods platforms, including in passenger stations and freight terminals; four-foot way and walkways; enclosure walls, hedges, fencing; fire protection strips; apparatus for heating points; crossings etc.; snow protection screens,
- Engineering structures: bridges, culverts and other overpasses, tunnels, covered cuttings and other underpasses; retaining walls, structures for protection against avalanches, falling stones, etc.,
- Level crossings, including appliances to ensure the safety of road traffic,
- Superstructure, in particular: rails, grooved rails and check rails; sleepers and longitudinal ties, small fittings for the permanent way, ballast including stone chippings and sand; points, crossings, etc.; turntables and traverses (except those reserved exclusively for locomotives),
- Access way for passengers and goods, including access by road and access for passengers arriving or departing on foot,
- Safety, signalling and telecommunications installations on the open track, in stations and in marshalling yards, including plant for generating, transforming and distributing electric current for signalling and telecommunications; buildings for such installations or plant; track brakes,
- Lighting installations for traffic and safety purposes,
- Plant for transforming and carrying electric power for train haulage: substations, supply cables between substations and contact wires, catenaries and supports; third rail with supports,
- Buildings used by the infrastructure department, including a proportion of installations for the collection of transport charges.

ANNEX II

SERVICES TO BE SUPPLIED TO THE RAILWAY UNDERTAKINGS(referred to in Article 13)

1. The minimum access package shall comprise:
 - (a) handling of requests for railway infrastructure capacity;
 - (b) the right to utilise capacity which is granted;
 - (c) use of the railway infrastructure, including track points and junctions;
 - (d) train control including signalling, regulation, dispatching and the communication and provision of information on train movement;
 - (e) use of electrical supply equipment for traction current, where available;

- (f) all other information required to implement or operate the service for which capacity has been granted.
2. Access, including track access, shall be given to the following services facilities, when they exist, and to the services supplied in these facilities:
- (a) passenger stations, their buildings and other facilities, including travel information display and suitable location for ticketing services;
 - (b) freight terminals;
 - (c) marshalling yards and train formation facilities, including shunting facilities;
 - (d) storage sidings;
 - (e) maintenance facilities, with the exception of heavy maintenance facilities dedicated to high-speed trains or to other types of rolling stock requiring specific facilities;
 - (f) other technical facilities, including cleaning and washing facilities;
 - (g) maritime and inland port facilities which are linked to rail activities;
 - (h) relief facilities;
 - (i) refuelling facilities and supply of fuel in these facilities, charges for which shall be shown on the invoices separately.
3. Additional services may comprise:
- (a) traction current, charges for which shall be shown on the invoices separately from charges for using the electrical supply equipment, without prejudice to the application of Directive 2009/72/EC;
 - (b) pre-heating of passenger trains;
 - (c) tailor-made contracts for:
 - control of transport of dangerous goods,
 - assistance in running abnormal trains.
4. Ancillary services may comprise:
- (a) access to telecommunication networks;
 - (b) provision of supplementary information;
 - (c) technical inspection of rolling stock;
 - (d) ticketing services in passenger stations;
 - (e) heavy maintenance services supplied in maintenance facilities dedicated to high-speed trains or to other types of rolling stock requiring specific facilities.

ANNEX III

FINANCIAL FITNESS(referred to in Article 20)

The information to be provided by undertakings applying for a licence in accordance with Article 20 covers the following aspects:

- (a) available funds, including the bank balance, pledged overdraft provisions and loans;
- (b) funds and assets available as security;
- (c) working capital;
- (d) relevant costs, including purchase costs of payments to account for vehicles, land, buildings, installations and rolling stock;
- (e) charges on an undertaking's assets;
- (f) taxes and social security contributions.

ANNEX IV

CONTENTS OF THE NETWORK STATEMENT(referred to in Article 27)

The network statement referred to in Article 27 shall contain the following information:

1. A section setting out the nature of the infrastructure which is available to railway undertakings and the conditions of access to it. The information in this section shall be made consistent, on an annual basis with, or shall refer to, the rail infrastructure registers to be published in accordance with Article 35 of Directive 2008/57/EC.
2. A section on charging principles and tariffs. This shall contain appropriate details of the charging scheme as well as sufficient information on charges as well as other relevant information on access applying to the services listed in Annex II which are provided by only one supplier. It shall detail the methodology, rules and, where applicable, scales used for the application of Articles 31 to 36, as regards both costs and charges. It shall contain information on changes in charges already decided upon or foreseen in the next five years, if available.
3. A section on the principles and criteria for capacity allocation. This shall set out the general capacity characteristics of the infrastructure which is available to railway undertakings and any restrictions relating to its use, including likely capacity requirements for maintenance. It shall also specify the procedures and deadlines which relate to the capacity-allocation process. It shall contain specific criteria which are employed during that process, in particular:
 - (a) the procedures according to which applicants may request capacity from the infrastructure manager;
 - (b) the requirements governing applicants;
 - (c) the schedule for the application and allocation processes and the procedures which shall be followed to request information on the scheduling and the procedures for scheduling planned and unforeseen maintenance work;
 - (d) the principles governing the coordination process and the dispute resolution system made available as part of this process;
 - (e) the procedures which shall be followed and criteria used where infrastructure is congested;

- (f) details of restrictions on the use of infrastructure;
- (g) conditions by which account is taken of previous levels of utilisation of capacity in determining priorities for the allocation process.

It shall detail the measures taken to ensure adequate treatment of freight services, international services and requests subject to the ad hoc procedure. It shall contain a template form for capacity requests. The infrastructure manager shall also publish detailed information about the allocation procedures for international train paths.

4. A section on information relating to the application for a licence referred to in Article 25 of this Directive and rail safety certificates issued in accordance with Directive 2004/49/EC or indicating a website where such information is made available free of charge in electronic format.
5. A section on information about procedures for dispute resolution and appeal relating to matters of access to rail infrastructure and services and to the performance scheme referred to in Article 35.
6. A section on information on access to and charging for service facilities referred to in Annex II. Operators of service facilities which are not controlled by the infrastructure manager shall supply information on charges for gaining access to the facility and for the provision of services, and information on technical access conditions for inclusion in the network statement or shall indicate a website where such information is made available free of charge in electronic format.
7. A model agreement for the conclusion of framework agreements between an infrastructure manager and an applicant in accordance with Article 42.

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.

ANNEX VI

REQUIREMENTS FOR COSTS AND CHARGES RELATED TO RAILWAY INFRASTRUCTURE(referred to in Article 32(1) and Article 35)

- 1. The pairs to be considered by infrastructure managers when they define a list of market segments with a view to introducing mark-ups in the charging system according to Article 32(1) include at least the following:
 - (a) passenger versus freight services;
 - (b) trains carrying dangerous goods versus other freight trains;
 - (c) domestic versus international services;
 - (d) combined transport versus direct trains;
 - (e) urban or regional versus interurban passenger services;
 - (f) block trains versus single wagon load trains;
 - (g) regular versus occasional train services.

2. The performance scheme as referred to in Article 35 shall be based on the following basic principles:
 - (a) In order to achieve an agreed level of performance and not to endanger the economic viability of a service, the infrastructure manager shall agree with applicants the main parameters of the performance scheme, in particular the value of delays, the thresholds for payments due under the performance scheme relative both to individual train runs and to all train runs of a railway undertaking in a given period of time;
 - (b) The infrastructure manager shall communicate to the railway undertakings the working timetable, on the basis of which delays will be calculated, at least five days before the train run. The infrastructure manager may apply a shorter notice period in case of force majeure or late alterations of the working timetable;
 - (c) All delays shall be attributable to one of the following delay classes and sub-classes:
 1. Operation/planning management attributable to the infrastructure manager
 - 1.1. Timetable compilation
 - 1.2. Formation of train
 - 1.3. Mistakes in operations procedure
 - 1.4. Wrong application of priority rules
 - 1.5. Staff
 - 1.6. Other causes
 2. Infrastructure installations attributable to the infrastructure manager
 - 2.1. Signalling installations
 - 2.2. Signalling installations at level crossings
 - 2.3. Telecommunications installations
 - 2.4. Power supply equipment
 - 2.5. Track
 - 2.6. Structures
 - 2.7. Staff
 - 2.8. Other causes
 3. Civil engineering causes attributable to the infrastructure manager
 - 3.1. Planned construction work
 - 3.2. Irregularities in execution of construction work
 - 3.3. Speed restriction due to defective track
 - 3.4. Other causes
 4. Causes attributable to other infrastructure managers
 - 4.1. Caused by previous infrastructure manager

- 4.2. Caused by next infrastructure manager
5. Commercial causes attributable to the railway undertaking
 - 5.1. Exceeding the stop time
 - 5.2. Request of the railway undertaking
 - 5.3. Loading operations
 - 5.4. Loading irregularities
 - 5.5. Commercial preparation of train
 - 5.6. Staff
 - 5.7. Other causes
6. Rolling stock attributable to the railway undertaking
 - 6.1. Roster planning/rostering
 - 6.2. Formation of train by railway undertaking
 - 6.3. Problems affecting coaches (passenger transport)
 - 6.4. Problems affecting wagons (freight transport)
 - 6.5. Problems affecting cars, locomotives and rail cars
 - 6.6. Staff
 - 6.7. Other causes
7. Causes attributable to other railway undertakings
 - 7.1. Caused by next railway undertaking
 - 7.2. Caused by previous railway undertaking
8. External causes attributable to neither infrastructure manager nor railway undertaking
 - 8.1. Strike
 - 8.2. Administrative formalities
 - 8.3. Outside influence
 - 8.4. Effects of weather and natural causes
 - 8.5. Delay due to external reasons on the next network
 - 8.6. Other causes
9. Secondary causes attributable to neither infrastructure manager nor railway undertaking
 - 9.1. Dangerous incidents, accidents and hazards
 - 9.2. Track occupation caused by the lateness of the same train

- 9.3. Track occupation caused by the lateness of another train
 - 9.4. Turn-around
 - 9.5. Connection
 - 9.6. Further investigation needed;
- (d) Wherever possible, delays shall be attributed to a single organisation, considering both the responsibility for causing the disruption and the ability to re-establish normal traffic conditions;
 - (e) The calculation of payments shall take into account the average delay of train services of similar punctuality requirements;
 - (f) The infrastructure manager shall, as soon as possible, communicate to the railway undertakings a calculation of payments due under the performance scheme. This calculation shall encompass all delayed train runs within a period of at most one month;
 - (g) Without prejudice to the existing appeal procedures and to the provisions of Article 56, in the case of disputes relating to the performance scheme, a dispute resolution system shall be made available in order to settle such matters promptly. This dispute resolution system shall be impartial towards the parties involved. If this system is applied, a decision shall be reached within a time limit of 10 working days;
 - (h) Once a year, the infrastructure manager shall publish the annual average level of performance achieved by the railway undertakings on the basis of the main parameters agreed in the performance scheme.

ANNEX VII

SCHEDULE FOR THE ALLOCATION PROCESS(referred to in Article 43)

1. The working timetable shall be established once per calendar year.
2. The change of working timetable shall take place at midnight on the second Saturday in December. Where a change or adjustment is carried out after the winter, in particular to take account, where appropriate, of changes in regional passenger traffic timetables, it shall take place at midnight on the second Saturday in June and at such other intervals between these dates as are required. Infrastructure managers may agree on different dates and in this case they shall inform the Commission if international traffic may be affected.
3. The final date for receipt of requests for capacity to be incorporated into the working timetable shall be no more than 12 months in advance of the entry into force of the working timetable.
4. No later than 11 months before the working timetable comes into force, the infrastructure managers shall ensure that provisional international train paths have been established in cooperation with other relevant infrastructure managers. Infrastructure managers shall ensure that as far as possible these are adhered to during the subsequent processes.

5. No later than four months after the deadline for submission of bids by applicants, the infrastructure manager shall prepare a draft working timetable.

ANNEX VIII

ACCOUNTING INFORMATION TO BE SUPPLIED TO THE REGULATORY BODY UPON REQUEST(referred to in Article 56(12))

1. Account separation
 - (a) separate profit and loss accounts and balance sheets for freight, passenger and infrastructure management activities;
 - (b) detailed information on individual sources and uses of public funds and other forms of compensation in a transparent and detailed manner, including a detailed review of the businesses' cash flows in order to determine in what way these public funds and other forms of compensation have been used;
 - (c) cost and profit categories making it possible to determine whether cross-subsidies between these different activities occurred, according to the requirements of the regulatory body;
 - (d) methodology used to allocate costs between different activities;
 - (e) where the regulated firm is part of a group structure, full details of inter-company payments.
2. Monitoring of track access charges
 - (a) different cost categories, in particular providing sufficient information on marginal/direct costs of the different services or groups of services so that infrastructure charges can be monitored;
 - (b) sufficient information to allow monitoring of the individual charges paid for services (or groups of services); if required by the regulatory body, this information shall contain data on volumes of individual services, prices for individual services and total revenues for individual services paid by internal and external customers;
 - (c) costs and revenues for individual services (or groups of services) using the relevant cost methodology, as required by the regulatory body, to identify potentially anti-competitive pricing (cross-subsidies, predatory pricing and excessive pricing).
3. Indication of financial performance
 - (a) a statement of financial performance;
 - (b) a summary expenditure statement;
 - (c) a maintenance expenditure statement;
 - (d) an operating expenditure statement;
 - (e) an income statement;
 - (f) supporting notes that amplify and explain the statements, where appropriate.

ANNEX IX

PART A

REPEALED DIRECTIVES WITH LIST OF SUCCESSIVE AMENDMENTS

(referred to in Article 65)

Council Directive 91/440/EEC (OJ L 237, 24.8.1991, p. 25)	
Directive 2001/12/EC of the European Parliament and of the Council (OJ L 75, 15.3.2001, p. 1)	
Directive 2004/51/EC of the European Parliament and of the Council (OJ L 164, 30.4.2004, p. 164)	
Council Directive 2006/103/EC (OJ L 363, 20.12.2006, p. 344)	only Point B of the Annex
Directive 2007/58/EC of the European Parliament and of the Council (OJ L 315, 3.12.2007, p. 44)	only Article 1
Council Directive 95/18/EC (OJ L 143, 27.6.1995, p. 70)	
Directive 2001/13/EC of the European Parliament and of the Council (OJ L 75, 15.3.2001, p. 26)	
Directive 2004/49/EC of the European Parliament and of the Council (OJ L 164, 30.4.2004, p. 44)	only Article 29
Directive 2001/14/EC of the European Parliament and of the Council (OJ L 75, 15.3.2001, p. 29)	
Commission Decision 2002/844/EC (OJ L 289, 26.10.2002, p. 30)	
Directive 2004/49/EC of the European Parliament and of the Council (OJ L 164, 30.4.2004, p. 44)	only Article 30
Directive 2007/58/EC of the European Parliament and of the Council (OJ L 315, 3.12.2007, p. 44)	only Article 2

PART B

LIST OF TIME LIMITS FOR TRANSPOSITION INTO NATIONAL LAW

(referred to in Article 65)

Directive	Time limit for transposition
91/440/EEC	1 January 1993
95/18/EC	27 June 1997
2001/12/EC	15 March 2003
2001/13/EC	15 March 2003
2001/14/EC	15 March 2003
2004/49/EC	30 April 2006
2004/51/EC	31 December 2005
2006/103/EC	1 January 2007
2007/58/EC	4 June 2009

ANNEX X

CORRELATION TABLE

Directive 91/440/EEC	Directive 95/18/EC	Directive 2001/14/EC	This Directive
Article 2(1)	Article 1(1)	Article 1(1), first subparagraph	Article 1(1)
		Article 1(2)	Article 1(2)
Article 2(2)			Article 2(1)
	Article 1(2)		Article 2(2)
		Article 1(3)	Article 2(3)
			Article 2(4) to (9)
Article 2(4)			Article 2(10)
			Article 2(11)
Article 3			Article 3(1) to (8)
			Article 3(9) to (13)
	Article 2(b) and (c)		Article 3(14) and (15)
			Article 3(16) and (17)
		Article 2	Article 3(18) to (28)
			Article 3(29) and (30)
Article 4			Article 4

Status: This is the original version (as it was originally adopted).

Article 5			Article 5(1) to (3)
			Article 5(4)
Article 6(1) and (2)			Article 6(1) and (2)
Article 9(4)			Article 6(3)
Article 6(1) second subparagraph			Article 6(4)
Article 6(3) and Annex II			Article 7(1)
		Article 4(2) and Article 14(2)	Article 7(2)
Article 7(1), (3) and (4)			Article 8(1), (2) and (3)
		Article 6(1)	Article 8(4)
Article 9(1) and (2)			Article 9(1) and (2)
Article 10(3) and (3a)			Article 10(1) and (2)
Article 10(3b)			Article 11(1), (2) and (3)
			Article 11(4)
Article 10(3c) and (3e)			Article 11(5) and (6)
Article 10(3f)			Article 12(1) to (4)
			Article 12(5)
		Article 5	Article 13
			Article 14
Article 10b			Article 15
	Article 3		Article 16
	Article 4(1) to (4)		Article 17(1) to (4)
	Article 5		Article 18
	Article 6		Article 19
	Article 7(1)		Article 20(1)
	Annex, Part I, point (1)		Article 20(2)
			Article 20(3)
	Article 8		Article 21
	Article 9		Article 22
	Article 4(5)		Article 23(1)
	Article 10		Article 23(2) and (3)

	Article 11		Article 24
	Article 15		Article 25
		Article 1(1), second subparagraph	Article 26
		Article 3	Article 27
Article 10(5)			Article 28
		Article 4(1) and (3) to (6)	Article 29
		Article 6(2) to (5)	Article 30
		Article 7	Article 31
		Article 8	Article 32
		Article 9	Article 33
		Article 10	Article 34
		Article 11	Article 35
		Article 12	Article 36
			Article 37
		Article 13	Article 38
		Article 14(1) and (3)	Article 39
		Article 15	Article 40
		Article 16	Article 41
		Article 17	Article 42
		Article 18	Article 43
		Article 19	Article 44
		Article 20(1), (2) and (3)	Article 45(1), (2) and (3)
			Article 45(4)
		Article 20(4)	Article 45(5)
		Article 21	Article 46
		Article 22	Article 47
		Article 23	Article 48
		Article 24	Article 49
		Article 25	Article 50
		Article 26	Article 51
		Article 27	Article 52
		Article 28	Article 53

Status: This is the original version (as it was originally adopted).

		Article 29	Article 54
		Article 30(1)	Article 55
		Article 30(2)	Article 56(1)
		Article 31	Article 57
Article 12			Article 58
Article 14a		Article 33(1), (2) and (3)	Article 59
			Article 60
		Article 34(2)	Article 61
Article 11a		Article 35(1), (2) and (3)	Article 62
Article 10(9)			Article 63
		Article 38	Article 64
			Article 65
	Article 17	Article 39	Article 66
Article 16	Article 18	Article 40	Article 67
			Annex I
		Annex II	Annex II
	Annex		Annex III
		Annex I	Annex IV
			Annex V
			Annex VI
		Annex III	Annex VII
			Annex VIII