



Schweizerische Eidgenossenschaft  
Confédération suisse  
Confederazione Svizzera  
Confederaziun svizra

Schiedskommission im Eisenbahnverkehr  
Commission d'arbitrage dans le domaine des chemins de fer  
Commissione d'arbitrato in materia ferroviaria  
Railways Arbitration Commission

Mrs. Dr Iris Henseler-Unger  
Bundesnetzagentur  
Abteilung Eisenbahnregulierung  
Tulpenfeld 4  
D- 53113 Bonn

Berne, 11 november 2013

## **Letter of Intent**

Dear Mrs. Henseler-Unger,

to create a European freight corridor, the EU and Switzerland have worked together to establish a Corridor organisation. On 20 December 2012 the Ministers of the EU member states concerned signed a framework agreement on the allocation of railway infrastructure capacity in Corridors 1 and 2. Switzerland was unable to sign this framework agreement, as EU Directive 913/2010 has not yet been implemented in Swiss law. The Federal Councillor responsible, Doris Leuthard, therefore declared in writing on 17 December 2012 that all necessary steps would be introduced in order to bring the applicable national statutes into line with the framework agreement. This will take place as soon as possible in a procedure under the Land Transport Agreement.

By letter of 3 August 2012, the chairpersons of the executive boards of Corridors 1 and 2 called upon all the regulators to give their opinion on the procedure for submitting complaints against the allocation process of the Corridor One-Stop-Shops (C-OSS), the collaboration over regulatory oversight, and decision-making.

Cooperation between the national regulatory bodies in the event of a complaint is described in Art. 20 para. 3 of Regulation (EU) No. 913/2010 of the European Parliament and of the Council of 22 September 2010 concerning a European rail network for competitive freight (Regulation 913/2010). In the event of a complaint to a regulatory body from an applicant regarding international rail freight services, 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.

Based on Art. 20 of Regulation 913/2010, the Regulatory Bodies along Corridors 1 and 2 have signed a cooperation agreement for each of these Corridors. These agreements designate jointly the regulatory body responsible for complaints against C-OSS decisions. As already with the decision of a framework agreement, the Swiss Railways Arbitration Commission (RACO) is not in a position to sign the cooperation agreement. Despite this, within the limits of its legal competence RACO is prepared to respond to requests from other regulatory bodies about the handling of complaints relating to international rail freight services, or as part of investigations, and to participate in consultations and coordination.

In the event of a complaint about international rail freight services made directly to RACO or passed on to RACO by another regulatory body, RACO will inform the regulatory bodies in the other affected countries about the submission of the complaint and its status. If RACO receives a complaint for which it is not responsible, it will inform the complainant of this and advise the complainant to introduce the complaint at the regulatory body responsible. The Swiss procedural rules shall apply to the briefing procedure of RACO.

Please be assured that RACO is very willing to be a member of the Regulatory Bodies group and to continue to work in those organisations.

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'P. Danioth'.

Patrizia Danioth, president RACO