



December 2001



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Memorandum of Understanding

European Rail Infrastructure Managers

EUROPEAN RAIL INFRASTRUCTURE MANAGERS

A.S.B.L.

Memorandum of Understanding

1. Working together

The evolving European regulatory structure for rail transport has led many European states to separate infrastructure management from train operations and to require under certain circumstances independence in legal form and structure of infrastructure managers from railway undertakings. This process has reached a stage where it is appropriate to redefine the means by which railways are represented.

The signatories to this memorandum agree to work together to establish a body to:

- ensure that their views on how present and future developments will impact on their activities are promoted/communicated effectively to the European/national authorities;
- create a forum for the exchange of best business practices for optimising the use of the European rail infrastructure;
- coordinate their respective views on EU policies.

This Memorandum of Understanding sets out the principles as to how the signatories intend to give effect to these objectives.

2. Opportunities

The signatories acknowledge the opportunities inherent in the separate independent management of rail infrastructure and welcome the chance to make a positive and distinctive contribution towards improving the competitive position of European rail transport.

The signatories, being independent Infrastructure Managers, wish to enhance these opportunities by ensuring that they can contribute towards shaping Europe's railways in the most effective and coherent manner.

3. Objective

The main objectives of the signatories are

- To provide a voice for Infrastructure Managers through common exploration of issues and the development of joint positions, and
- To represent the political and economic interests of infrastructure managers in the development and implementation of European legislation.

4. Key Issues

The signatories wish to contribute together to the development of European transport policy based on sustainable mobility through efficient use of infrastructure. They have identified the issues summarised below as being of common interest and on which they agree to explore together and, where appropriate, express a common position, lobby or co-ordinate with other bodies their views on how to achieve the objectives of this Memorandum of Understanding.

- Meeting the needs of both existing and new train operating customers in a fair and non discriminatory way;
 - Enhancing the efficient use of existing rail infrastructure;
 - Managing safety;
 - Efficient, economic and appropriate implementation of the interoperability process;
 - Developing new infrastructure;
 - Exploring how Infrastructure Managers can contribute in a positive manner to the task of revitalising the European rail sector;
- Promoting the use of the European railway network in long distance and crossborder passenger and freight traffic and supporting the development of new cooperative ventures such as the *TERFN*.

5. The Way Forward

The signatories are Infrastructure Managers who operate independently of Railway Undertakings, and fulfil one or more of the essential functions of an Infrastructure Manager as defined by EU legislation. They will also explore the most effective means of pursuing the objectives of this Memorandum of Understanding.

In this respect, the signatories agree to set up an EIM legal structure in Brussels to provide an efficient means of collectively influencing the European institutions. The signatories agree to allocate the necessary resources to make the structure operational at the latest by September 2002.

The signatories agree to make a financial contribution to the EIM organisation for 2002 which will not exceed their subscription for the CER for 2002. Membership of the new entity will be open to any organisation that is an Infrastructure Manager (as defined by EU legislation) and can sign this memorandum.

The signatories wish to maintain strong links and full cooperation with the other railway organisations such as the CER. They recognise that it is in the combination of infrastructure and operations that enables the railway systems to meet market needs and they are committed to cooperating with railway undertakings to achieve the railmode's full potential.

Brussels, December 11, 2001