

SCHEDULE

INTERNATIONAL ARTICLES

Article 11

Infrastructure Charges

11.—(1) The Concessionaires shall co-operate with other infrastructure managers to achieve the efficient operation of train services. They must aim to guarantee the optimum competitiveness of international rail freight and ensure the efficient utilisation of the Trans-European Rail Freight Network.

(2) The Concessionaires shall establish a charging body to set out specific charging rules and to determine charges for the use of the Fixed Link in accordance with Chapter II of Directive [2001/14/EC](#). Subject to compliance with article 11.3, the Concessionaires as infrastructure manager shall fulfil the functions of the charging body. In any event, the Concessionaires shall collect the infrastructure charges for the use of the Fixed Link.

(3) The charging body established in accordance with article 11.2 shall be independent in its legal form, organisation and decision-making from any railway undertaking.

(4) The charges shall be established in accordance with the charging principles set out in Chapter II of Directive [2001/14/EC](#) above, and in particular article 8.2, with the exceptions listed to those principles, and to the permitted discounts and adjustments, taking into account performance and the possibility of reservation charges.

(5) The charging body must be able to justify the charges billed as against the charging principles set out in this Regulation and in Chapter II of Directive [2001/14/EC](#) and, in particular, to show that the charging scheme has been applied to all international groupings and railway undertakings in a fair and non-discriminatory way. The charging body must respect the commercial confidentiality of information provided to it by applicants.