

Consolidated version with modifications No1-5 of

NETWORK STATEMENT

**ON TERMS AND CONDITIONS OF THE USE OF THE NATIONAL OPEN
ACCESS RAILWAY NETWORK**

FOR THE TIMETABLE YEAR 2009/2010

EFFECTIVE: FROM 13 DECEMBER 2009 TO 11 DECEMBER 2010

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1 GENERAL INFORMATION

1.1 Introduction

1.1.1 Organisations of the Hungarian railway system

The present Hungarian railway system has been developed in compliance with the regulations of the European Union.

Participants in the railway system:

- a) Administrative body of railway transport: National Transport Authority, whose tasks and power are set out in the Paragraph 73-81 of Act CLXXXIII of 2005 on railway transport (hereafter referred to as Railway Act).
- b) Infrastructure managing railway undertakings (hereafter referred to as Infrastructure Managers): the open access national railway network is operated by MÁV Magyar Államvasutak Zártkörűen Működő Részvénytársaság (hereafter referred to as MÁV Zrt.) and Győr-Sopron-Ebenfurti Vasút Zártkörűen Működő Részvénytársaság (hereafter referred to as GYSEV Zrt.) as non-independent railway undertakings and integrated railway undertakings.
- c) Railway Undertakings: railway undertakings which are in possession of an operational licence, entitled to use the services provided on open access railway network by IMs as it is set out in Paragraph 54 of Railway Act.
- d) Rail Capacity Allocating Body: since MÁV Zrt. and GYSEV Zrt. in their roles as Infrastructure Managers operate the railway network as non-independent and integrated companies, VPE Vasúti Pályacapacitás-elosztó Korlátolt Felelősségű Társaság (Rail Capacity Allocation Office Limited Liability Company) (hereafter referred to as VPE) shall perform the following tasks:
 - da) rail capacity allocation
 - db) development of the Network Statement of the integrated railway company
 - dc) determination of network access charges to be paid by authorised applicants,
 - dd) determination of the integrated railway undertaking's access costs for access to the network it operates.

Rights and duties of VPE, Infrastructure Managers and Railway Undertakings towards one another

The most important tasks of VPE

In order to ensure open access to the railway network, VPE is entitled and legally bound to fulfil the following tasks:

- a) to evaluate train path requests, to allocate open access railway network capacity, to cancel train paths on congested lines in harmony with section 4.6,
- b) to allocate railway capacity and the related services in harmonisation with the priority rules detailed in section 4.4.3 without discrimination, following the path allocation schedule; to construct a working timetable,
- c) to ensure that railway undertakings have the necessary documents for use of network,
- d) to inform the infrastructure managers in writing which railway undertakings are entitled to use the network,
- e) to send the draft of the timetable and/or service of the required train path and the planned charge calculation for the applicants for their report on it,
- f) to construct and update the Charging Methodology (hereafter referred to as DM)
- g) to construct and update the Charging Document (hereafter referred to as DD)
- h) to conduct coordination procedures in the case of coinciding path requests,
- i) to offer another capacity than the previously required one for the railway undertakings after the coordination procedure in the case of coinciding requests,
- j) to give the detailed data to the infrastructure manager of the allocated train path and the related infrastructure services as determined in Paragraph 54 Sections 1,3 and 4 of the Railway Act, and to inform the infrastructure managers about any change in connection with the allocated train path or services,
- k) to construct the annual working timetable,
- l) to offer another train path for the applicant's request if the infrastructure manager revokes the train path because of an emergency as laid out in Paragraph 31 Section 2 Point b,
- m) to revoke the right for the use of an allocated train path in certain cases (withdrawal of a licence, use of train path below threshold; see section 4.6, Network Statement),
- n) to settle preliminary international train paths,
- o) to specify the most unused sections of the railway tracks,
- p) to determine the specialized infrastructure,
- q) to publish a monthly updating on its website of the train path catalogue and the substitute track sections for congested tracks,
- r) to publish the probable effect of maintenance, renewal and development works on its website monthly actualised,
- s) to report quarterly to the rail regulating body on the practice of the application and allocation of train paths,
- t) to sign a Framework Agreement with the approval of the rail regulating body for requests longer than a year,
- u) to determine the amount of track access charges paid by authorised applicants,

- v) to initiate reconciliations between infrastructure managers and railway undertakings if a congested case arises,
- w) to declare the relevant track section congested if there is a shortage in capacity or the incoming requests cannot be fulfilled with the help of coordination procedures,
- x) to initiate a capacity analysis and suggestions for terminating bottlenecks to infrastructure managers in the case of congested track sections,
- y) to write the Network Statement and the recommendations for its modifications after discussions with the concerned parties,
- z) to handle confidentially the information in its possession.

The most important rights and duties of Infrastructure Managers

The most important rights of Infrastructure Managers:

- a) to carry out maintenance, renewal and development works on the open access railway track, to possess capacity and use the infrastructure for this purpose,
- b) to revoke the allocated train path in the case of an emergency (Paragraph 31 Section 2 point b of Railway Act)
- c) to run operational trains in accordance with the capacity allocation of VPE.

The most important duties of Infrastructure Managers:

- a) to operate open access railway network,
- b) to sign a Network Access Contract with the railway undertaking, an internal agreement with the separated traction, freight or passenger unit of the integrated railway company after the allocation of train path by VPE; to provide the allocated train path and the services within open access,
- c) to analyse capacity on congested track sections on behalf of VPE,
- d) to draft a plan for widening infrastructure capacity and to send it to the rail regulation body and VPE, to report quarterly to the rail regulating body about the fulfilment of the plan,
- e) to keep the infrastructure in a condition which meets the requirements of safe running while ensuring allocated capacity,
- f) to publish technical instructions in connection with network use on its website as laid out in the regulations of the Network Statement on the publishing and implementation of instructions,
- g) to apply for rail capacity for the planned yearly maintenance, renewal and development works during the period of drafting the yearly operational timetable,
- h) to apply for rail capacity at least 30 days earlier for the maintenance, renewal and development works that cannot be planned during the period of drafting the yearly operational timetable, as it is in section 4.5.1,
- i) to provide continuous, up-to-date information on its website about capacity restriction arising out of an emergency,
- j) to inform directly VPE and the involved authorised applicants about any event in connection with allocated capacity,
- k) to give the required information to VPE for the development and modification of the Network Statement, the Charging Methodology, and the Charging Document,

- l) to maintain the base data files of the infrastructure, and to inform VPE of the changes in them,
- m) to handle confidentially the business information in its possession.

The most important rights and duties of Railway Undertakings

The most important rights of Railway Undertakings:

- a) to submit a train path or service application, to run according to the allocated train path; to use services provided within open access,
- b) to initiate a coordination procedure in connection with the draft timetable,
- c) to initiate a legal action at the rail regulating body in the case of train path and service application or fulfilment complaint,
- d) to procure information about the fulfilment of the required service,

The most important duties of Railway Undertakings:

- a) to sign a Network Access Contract with the Infrastructure Manager,
- b) to inform VPE about the changes in the conditions of application for a train path without delay or at least within 5 days after the change takes place,
- c) to inform the Infrastructure Manager in a verifiable manner at least 30 minutes before the arrival of a freight train on a border station or a station where the shunting of the train (acceptance of wagons, detaching wagons) is necessary, about the following: the arrangement of the train, the detaching/inserting of wagons, delay factors, and every other condition laid down in the Network Access Contract,
- d) to inform the Infrastructure Manager about the arrangement of the train in a verifiable manner at least 30 minutes before the departure in the case of freight and passenger trains. If the train transports exceptional or dangerous goods, the Infrastructure Manager has to be informed at least 1 hour before the train leaves. In the case of passenger trains, the Infrastructure Manager has to be informed 30 minutes before the train leaves or reaches the border station, or in the case of difference in the arrangement of the ordered train, 1 hour earlier,
- e) to compile the orders and regulations given by the Infrastructure Manager in connection with traffic control,
- f) to employ staff and other participants who meet the national and international regulations on railway safety, can speak and write Hungarian, and have the required special knowledge and qualifications,
- g) to provide documents that needed for train operation, to provide information needed for performance accounts,
- h) to remove all obstacles causing disturbance at the expense of the Infrastructure Manager if the Infrastructure Manager asks for help in harmony with the Railway Act,
- i) to pay the network access charges before the deadline for the use of the railway and its fittings, and for the use of services,
- j) to have a service contract signed by the Infrastructure Manager of a railway network operated by itself at the point of time when the Railway Undertaking applies for capacity if it intends to use a railway network for its own operation that connects an open access railway line; and when the Railway Undertaking

applies for such capacity, it has to make a statement about the existence of the contract,

- k) to report any exceptional event without delay to the Infrastructure Manager during the running of the train,
- l) to examine any exceptional event in connection with its own train, to provide for technical or chemical rescue.

1.1.2 The duty of preparing the Network Statement

An open access railway network operating railway undertaking shall compile a Network Statement in every timetable year to regulate in details the use of the infrastructure by the railway undertakings. If it is a non-independent or an integrated, railway network operating company, VPE shall compile it.

The Network Statement, whose structure and content meet national and international regulations, has to be published for authorised applicants, the Infrastructure Managers or capacity allocation bodies of the member states of the European Economic Area (EEA).

1.2 Objective of Network Statement

The objective of the Network Statement is to lay down conditions and order of procedures for the access to open access rail network, for the use of the rail network, and for the provided services.

In harmony with Section 59 Subsection 1 of Railway Act, Network Statement shall contain:

- a) general business conditions for ensuring the railway network capacity,
- b) network access charges, and detailed conditions of their implementation,
- c) detailed conditions for the railway network capacity allocation, including the rules of the coordination procedure, and
- d) operational and technical specifications for the railway network.

1.3 Legal framework

1.3.1 Applicable directives and regulations

1.3.1.1 Regulations that affect the content of the Network Statement

- Directive 91/440/EEC on development of the railways of the community,
- Directive 95/18/EC on the licensing procedures of the railway companies,
- Directive 2001/14/EC on the allocation of railway infrastructure capacity, the levying of charges for use of railway infrastructure, and the safety certificates,
- Directive 2004/49/EC on the safety of the railways of the Community,
- Act CLXXXIII 2005 on railway transport,
- Governmental Decree 333/2005 (XII 29) on the legal relationship between the Rail Capacity Allocation Body and integrated railway company,
- Decree of the Ministry of Economy and Transport 40/2006 (VI 26) on detailed regulations of railway safety certificates, safety licenses, safety control systems, safety reports, and certain licensing procedures,
- Decree of the Ministry of Economy and Transport 45/2006 (VII 11) on licensing of the operation of railway undertakings,
- Joint Decree of the Ministry of Economy and Transport and the Ministry of Finance 50/2007 (IV 26) on the separation of accounts of railway business segments within railway undertakings,
- Joint Decree of the Ministry of Economy and Transport and the Ministry of Finance 83/2007 (X 6) on frameworks of the network access charging system, and basic regulations of forming and adapting of network access charges,
- Decree of the Ministry of Economy and Transport 101/2007 (XII 22) on detailed regulations of open access to railway network,
- Decree of the Ministry of Transport, Communication and Rural Development 18/1998 (VII 3) on the publishing of the second volume of the National Railway Regulation,
- Decree of the Ministry of Transport, Communication, and Energy 8/2008 (VI 30) on the change of certain ministry decrees in connection with the abolition of the Hungarian Railway Office.

1.3.1.2 Other concerning regulations

- Commission Decree 62/2006/EC on the transparency technical specification of the telematic application subsystem of the freight services of the Trans-European traditional railway system,
- Directive 2001/12/EC on modifying Directive 91/440/EEC on development of the railways of the community,
- Directive 2004/51/EC on modifying Directive 91/440/EEC on development of the railways of the community,
- Directive 2004/51/EC on modifying Directive 91/440/EEC on development of the railways of the community, and Directive 2001/14/EC on the allocation of railway infrastructure capacity, the levying of charges for use of railway infrastructure, and the safety certificates,

- Directive 2004/51/EC on modifying Directive 95/18/EC on the licensing procedures of the railway companies,
- Act CLXXXIV 2005 on technical investigation of air, railway and water transport accidents and other events,
- The 2nd Statutory law of 1986 on the notification of the International Rail Transportation Agreement (COTIF), signed 9th may 1980 in Bern, and the notified modifications of the agreement and its annexes,
- Governmental Decree 170/2002 (VIII 7) on the notification of the International Railway Freight Agreement (SZMG SZ) and the notified modifications of the agreement,
- Governmental Decree 153/1996 (X 15) on the railway freight transport contracts,
- Governmental Decree 10/1997 (I 28) on railway passenger transport contracts,
- Governmental Decree 8/2006 (I 13) on the detailed regulation of the application and extent of the penalty levied by market surveillance,
- Governmental Decree 263/2006 (XII 20) on the National Transport Authority,
- Governmental Decree 275/2006 (XII 23) on the Hungarian Railway Office,
- Governmental Decree 85/2007 (IV 25) on reduced fares of public passenger transport,
- Governmental Decree 271/2007 (X 19) on compulsory insurance of damage coverage in case of railway companies' accident of the,
- Decree of the Ministry of Economy and Transport 28/2003 (V 8) on licence of putting rail vehicles in running order and periodic testing of the vehicles,
- Decree of the Ministry of Economy and Transport 32/2003 (V 20) on training, official examination, and vocational qualification of engine-drivers,
- Decree of the Ministry of Economy and Transport 103/2003 (XII 27) on mutual interoperability of traditional railway systems,
- Decree of the Ministry of Economy and Transport 7/2006 (II 27) on detailed regulations of technical investigation of serious railway accidents, railway accidents and unexpected railway events,
- Decree of the Ministry of Economy and Transport 36/2006 (VI 21) on mutual interoperability of traditional railway system,
- Decree of the Ministry of Economy and Transport 37/2006 (VI 21) on mutual interoperability of high-speed Trans-European railway system,
- Decree of the Ministry of Economy and Transport 72/2006 (IX 29) on administrative service charges paid for the transport authority for railway administrative proceedings,
- Decree of the Ministry of Economy and Transport 48/2007 (IV 26) on the maximum price of passenger trains and intercity bus services running on domestic public timetable and domestic special bus services ordered by educational institutions,
- Decree of the Ministry of Transport, Communication, and Energy 9/2008 (VI 30) on administrative service charges paid for the railway regulatory body for railway administrative proceedings,
- Decree of the Ministry of Transport, Communication, and Energy 9/2008 (VI 30) on the way and conditions of the supervisory fee paid for the railway regulatory body.

1.4 Legal status of Network Statement

1.4.1 Legal character of the Network Statement

The rules laid out in the Network Statement apply equally to the Infrastructure Manager, to authorised applicants utilising services which are provided and can be provided within the framework of the open access to the railway network, as well as to VPE Railway Capacity Allocation Office.

1.4.2 Liability for specifications and information laid down in the Network Statement

Complier of the Network Statement is liable for ensuring compliance with international and national laws relative to the content of this document, and for keeping information accurate and up-to-date. Non independent and integrated railway company is liable for data it delivers pursuant to Section 62 of the Railway Act and Government Decree 333/2005 (XII.29.) as well as in accordance with the cooperation agreement of the Infrastructure Manager and the complier of the Network Statement.

1.4.3 Appeals procedures

An organisation entitled to open access or non-integrated or integrated railway undertaking may commence a legal action at the railway administration body in accordance with Section 77, Subsection 1, Point b) and c) of the Railway Act if according to its opinion:

- the Infrastructure Manager or VPE defaults on any of its obligations written in the Network Statement,
- any regulation of the Network Statement violates the requirements of a non-indiscriminating procedure,
- the extent or the structure of the network access charges determined in the Network Statement depart from the law,
- procedural offence takes place during capacity allocation,
- any contracting party violates the Network Access Contract.

Appeals procedures shall be submitted in harmony with the deadlines fixed in Section 77, Subsection 2 of the Railway Act. The contents requirement of the appeal is fixed in Section 77, Subsection 3 of the Railway Act.

1.5 Structure of Network Statement

The structure of the Network Statement is divided into six main chapters and annexes in accordance with international regulations and practice:

1. General Information
 2. Conditions for access
 3. Infrastructure
 4. Capacity allocation
 5. Services
 6. Charges
- Annexes

1.6 Validity and updating process of Network Statement

1.6.1 Validity of Network Statement

2009-2010 Network Statement is valid from 00.00 o'clock 13th December 2009 till 24.00 o'clock 11th December 2010.

The geographic coverage of Network Statement applies to the national standard and broad gauge railway networks (including the Hungarian network of Fertővidéki Helyi Érdekű Vasút Zrt) operated by non-independent or integrated railway companies (MÁV Zrt and GySEV Zrt).

The Network Statement in the following timetable year of its publication is used for planning purposes both for VPE and authorised applicant companies, for the following reasons:

- railway undertakings entitled to use open access railway network and Infrastructure Managers responsible for maintenance, renewal and development works, plan and apply for yearly and yearly additional network access requests for the regulated timetable year to VPE, aligned to the regulations of the Network Statement after the publishing of the it,
- VPE compiles the working timetable for the timetable year regulated in the Network Statement on the basis of the network capacity applications, submitted as described above.

60 days after any railway network is declared open access railway network, VPE shall publish the draft Network Statement of the Infrastructure Manager; the draft Network Statement is valid from 00.00 o'clock of the first Sunday of the first December after publishing till 24.00 o'clock of the second Saturday of the second December after publishing.

Network Statement becomes invalidated if the open access classification of a railway network ends.

1.6.2 Updating of Network Statement

1.6.2.1 Obligation of updating Network Statement

- (1) Network Statement has to be continually updated, if necessary modified (Section 3, Subsection 3 Directive 2001/14/EC; Section 59, Subsection 4 of the Railway Act; Section 6, Decree of the Ministry of Economy and Transport 101/2007 (XII 22)).
- (2) The procedural scheme of legally codified modifications of the Network Statement shall be differentiated:
 - a) necessary midyear modifications arising from modification of legal rules, change in the structure of the railway system or quantitative or qualitative change in open access services provided by railway undertakings that affect Network Statement
 - b) necessary updating modifications arising from changes in the technical or operational characteristics of the conditions of services which are provided and can be provided within the framework of the open access to the railway network employed by railway undertakings.

1.6.2.2 Procedural order of modifying Network Statement

- (1) Procedure in the case of modifications - that are necessary because of changes specified in 1.6.2.1 (2) - affecting regulating chapters of Network Statement:
 - a) 40 days before the publication of the modifications of the Network Statement VPE shall inform the railway administrative body in writing if the revision of the elements of the charging system is necessary because of the modifications of the Network System.
 - b) VPE shall publish 30 days in advance the plan of modifications of the Network Statement on its website in order to present an opportunity for reconciliation; at the same time inform electronically the authorized applicants that have already applied for train path request and capacity allocation bodies of member countries of ESS of the publishing (Decree of the Ministry of Economy and Transport 101/2007 (XII 22) Section 6, subsection 1).
 - c) Parties concerned can make remarks on the modification plan within 10 days after the publication; VPE will deliberate those remarks as far as possible during the finalisation of the modification (Decree of the Ministry of Economy and Transport 101/2007 (XII 22) Section 6, subsection 1).

- d) VPE publishes the modification finalised in the above mentioned way on its website, indicates the date of it entering into force, and at the same time sends it to the railway administration body (Act CLXXXIII 2005 Section 59, subsection 4; Decree of the Ministry of Economy and Transport 101/2007 (XII 22) Section 7).
 - e) Modifications of the Network Statement or modifications on the revocation of certain railway track sections - in case of national railway network with the approval of the Minister responsible for transport - affecting Charges, applied discounts, extra charges, compensatory allowances for Services provided by the Infrastructure Manager have to be published 3 months prior to the entering into force. (Decree of the Ministry of Economy and Transport 101/2007 (XII 22) Section 6, subsection 2).
- (2) Procedural order of modifying Network Statement in the case of technological or operational changes of the open access railway network as it is in 1.6.2.1 (2) b):
- a) In the case of changes of technological or operational characteristics of the railway network operated by MÁV Zrt. and GYSEV Zrt., the Infrastructure Managers shall inform VPE immediately, properly documented, both electronically and in written, form if it affects the conditions of use of services which are provided and can be provided within the framework of the open access to the railway network.
 - b) VPE shall enter the changes - if they affect the conditions of the use of infrastructure services - of open access railway network into the Network Statement immediately; depending on the nature of the change but always within 5 days; publish the modifications on its website and inform the authorised applicants of the modifications.
 - c) VPE shall inform the railway administrative body of the modifications in the Network Statement - made because of the technological or operative changes in the characteristics of the railway network - on the second Saturday of every month in writing.
- (3) VPE shall publish every case of modification in the “List of modifications” as an inseparable part of the Network Statement with the date of their entering into force. (Decree of the Ministry of Economy and Transport 101/2007 (XII 22) Section 6, subsection 3).

1.7 Compiling and publishing of Network Statement

1.7.1 Compiling the draft of Network Statement

- (1) Every year VPE shall compile the draft of the Network Statement which enters into force two years after the given year by bearing in mind the governing community and national regulations, the technological and operational information from the Infrastructure Manager. (Decree of the Ministry of Economy and Transport 101/2007 (XII 22) Section 5)

- (2) VPE unifies the Network Statement of the railway network of MÁV Zrt. and GYSEV Zrt. based on the understanding of the affected parties. (Decree of the Ministry of Economy and Transport 101/2007 (XII 22) Section 5, subsection 6)

1.7.2 Feedback, finalisation and publishing of the draft of Network Statement

- (1) 30 days prior to the publishing of the finalised Network Statement VPE shall publish the draft Network Statement on its website in order to make possible the authorised applicants and the capacity allocating bodies of the EES countries give an opinion on the content. VPE shall inform electronically the authorised applicants and the capacity allocating bodies of the EES countries on the fact of publishing the draft Network Statement without delay. (Act CLXXXIII 2005 Section 59, subsection 2; Decree of the Ministry of Economy and Transport 101/2007 (XII 22) Section 5, subsection 1)
- (2) The affected parties shall make remarks within 10 days after the publishing of the Network Statement. The railway administrative body shall be informed on the received comments and every circumstance in connection with harmonizing. (Act CLXXXIII 2005 Section 59, subsection 2; Decree of the Ministry of Economy and Transport 101/2007 (XII 22) Section 5, subsection 1)
- (3) VPE shall publish on its website (www.vpe.hu) the Network Statement related to the given timetable year at least 4 months before the deadline of handing in yearly train path requests for the same timetable year, not later than the second Saturday of December; the Network Statement can be purchased in printed form for the cost of its publication (Directive 2001/14/EC Section 3, Subsection 1 and 4; Act CLXXXIII 2005 Section 59, subsection 3; Decree of the Ministry of Economy and Transport 101/2007 (XII 22) Section 5, subsection 2)
- (4) Within 60 days after any railway network is declared open access railway network, VPE shall publish the draft Network Statement for that network, which is valid from 00.00 o'clock of the second Sunday of the first December after publishing till 24.00 o'clock of the second Saturday of the second December after publishing. (Decree of the Ministry of Economy and Transport 101/2007 (XII 22) Section 5, subsection 4)
- (5) VPE shall send the finalized Network Statement to the railway regulation body at the same time the NS enters into force. (Decree of the Ministry of Economy and Transport 101/2007 (XII 22) Section 7)

1.8 Contacts

a) Rail Capacity Allocation Office

Address: H-1054 Budapest, Bajcsy-Zsilinszky út 48.
Telephone: general office +36 1/301-9909, +36 1/511-4670
OSS office +36 1/301-9925, +36 1/301-9926,
+36 1/511-7264, +36 1/511-7270
Fax: general office +36 1/332-8025

E-mail: OSS office +36 1/269-0631
general office titkarsag@vpe.hu
OSS office: oss@vpe.hu
Website: www.vpe.hu

b) National Transport Authority Central Office

Address: H-1066 Budapest, Teréz krt. 38.
Telephone: +36 1/373-1442
Fax: +36 1/332-6532
E-mail: office@nkh.gov.hu
Website: www.nkh.hu

c) MÁV Zrt. Hungarian State Railways

ca) General Directorate

Address: H-1087 Budapest, Könyves Kálmán krt. 54-60.
Telephone: +36 1/322-0660
Fax: +36 1/342-8535
Website: www.mav.hu

cb) Infrastructure Manager

Address: H-1087 Budapest, Könyves Kálmán krt. 54-60.
Telephone: +36 1/511-7245
Fax: +36 1/511-4709
E-mail: ertekeletes.palyavasut@mav.hu

d) Győr-Sopron-Ebenfurti Vasút Zártkörűen Működő Részvénytársaság

Address: H-9400 Sopron, Mátyás király utca 19.
Telephone: +36 99/517-405
Fax: +36 99/517-308
E-mail: palyavasut@gysev.hu
Website: www.gysev.hu

Contacts of the Traffic Control Centres of MÁV Zrt. and GYSEV Zrt. are in Annex 1.8.

1.9 Co-operation among Infrastructure Managers

The OSS Office of VPE keeps contact with the OSS offices of other states' railways through the **OSS (One Stop Shop) network**.

The European Infrastructure Managers have signed an agreement on the establishment of a common sales and marketing organisation for international infrastructure capacity called RailNetEurope (RNE).

These Infrastructure Managers have set up One Stop Shops (OSS) working as a network of customer contact points within the framework of RNE. For international path requests, the customer needs only to contact one of these OSS, through which the customer shall initiate the whole international path allocation process. The contacted OSS will provide services in close co-operation with the concerned infrastructure manager organisations as follows:

- offer the customer support and information on the full product and service range of the infrastructure manager organisations

- supply all the information required to gain access to the network of any infrastructure manager organisation participating in RNE
- handle of international train paths requests for the use of the networks of infrastructure managers participating in RNE,
- ensuring that requests for the next timetable period are properly taken into account in the annual timetabling process,
- provide train path offers for the whole international journey.

Each OSS is part of the international network, which aims at making network access for customers as simple as possible. The OSS also provides information on network access charges and train movements.

To fulfil the motto of RNE "one face to the customer", the OSS provides competent and efficient assistance across all borders, based on transparent, reliable and non-discriminatory procedures.

A list of OSS contacts is available at the website of RNE:

<http://www.railneteuropa.com>

1.10 Glossary of definitions used in Network Statement

For the list and explanation of the main definitions of this Network Statement see Annex 1.10.

2. ACCESS CONDITIONS

2.1 Introduction

The aim of this chapter is to define the conditions for access to open access railway network.

2.2 General access requirements

According to Railway Act Paragraph 62. (2) b) VPE defines detailed conditions for access to the railway network by preparing a Network Statement. Securing access to the railway network is done by the capacity allocation for the open access railway network.

The principal requirements of applying for capacity include:

- holding a railway undertaking's licence (see NS point 2.2.3) based on Directive 95/18/EC
- having a safety certificate (see NS point 2.2.4) issued by the rail regulatory body.

Securing access to open access railway network is based on the request handed in the proper format and with the described content by a railway undertaking that fulfils all requirements described either by law or in this current Network Statement. Requests must be handed in to the OSS office of VPE.

2.2.1 Requirements to apply for a train path

Train path can be applied for by such a railway undertaking that justifies its right to use the railway network by documents defined (see NS 2.2.3-2.2.4) and forwarded a copy of them to VPE.

2.2.2 Who is allowed to perform train operations?

The railway network can be used by the infrastructure managers and railway undertakings.

Railway undertakings are:

- a) train operating companies registered in Hungary and hold a national operating licence
- b) international grouping for the aim of border crossing railway freight and/or passenger traffic with the participation of a train operating company holding a national licence
- c) international grouping for transit traffic without the participation of a train operating company registered in Hungary

- d) train operating company founded abroad, under international contract or on a mutual basis
- e) train operating company for freight traffic founded in any other EEA country if holding an operating licence based on Directive 95/18/EC
- f) train operating company for international passenger traffic founded in any other EEA country if holding an operating licence based on Directive 95/18/EC

2.2.3 Licences

Performing freight, passenger or traction operations or managing of infrastructure are activities with an obligation to have a permit issued by the related authority. The issuing, modification, suspension, withdrawal of an operating licence or a temporary operating licence fall within the responsibility and cognisance of the rail regulatory body.

Operating licence can be applied for by filling and handing in the licensing form that can be downloaded from the regulatory body's homepage.

Under the process defined by the regulatory body itself train operating companies holding operating licences that were issued in any EEA countries must inform the regulatory body of their intention to use the Hungarian railway network with filling and handing in the form downloaded from the regulatory body's homepage in writing prior with minimum 30 days to the date of submitting requests.

The name and address of the rail regulatory body:

Name: National Transport Authority
Address: 1066 Budapest, Teréz krt. 62.
Phone: +36 1/511-7151
Fax: +36 1/511-4669
Website: www.nkh.hu

Modifications in connection with documents described here must be announced and confirmed to VPE in writing by the railway undertaking.

2.2.4 Safety certificate, auxiliary certificate, safety permission

Railway undertaking registered in Hungary can use or manage the railway network only if holding a safety certificate or safety permission issued by the National Transport Authority. Safety certificates and safety permissions must be applied for under the process defined by the Authority.

Railway undertakings holding a safety certificate issued by any other EEA countries must procure an auxiliary certificate from the regulatory body under the process defined by the Regulatory Body.

The name and address of the National Transport Authority:

Name: National Transport Authority
Accentuated Matters Division
Rail Authority Department
Railway Safety and Monitoring Unit
Address: 1066 Budapest, Teréz krt. 62.
Phone: +36 1/474-1786
Fax: +36 1/312-6614
Website: www.nkh.hu

Modifications in connection with documents described here must be announced and confirmed to VPE in writing by the railway undertaking.

2.2.5 Cover of liabilities

Any other insurances or guarantees that are necessary for the usage of open access railway network must be defined in the Track Access Contract.

2.3 The process of train path allocation

The process of train path allocation is detailed in NS 4.2 and 4.3.

2.4 General terms and conditions

2.4.1 Framework Agreement

In order to guarantee capacity based on law there is a possibility for the railway undertaking to sign a framework agreement with VPE for maximum 5 years or in special cases for not more than a 10 years period. Anyone with a valid framework agreement is entitled to apply for capacity as it is described in the framework agreement itself. Framework agreement cannot exclude the access to railway network of any other third party.

Based on the Railway Act Paragraph 57. the applicant signs the framework agreement with VPE.

For one given section of line the maximum of 5 % of the daily theoretical capacity can be contracted under a framework agreement.

Framework agreement valid longer than 5 years can be signed only if there is a long term commercial contract, any investment of the given section or high risk exist. Framework agreement valid for longer than 10 years can only be signed if the applicant takes part in a long term railway investment and the responsibilities in line with the investment that are described in a separated contract are also listed in the framework agreement.

Any date of the framework agreement that is not considered as confidential protected by law is made available to any interested parties by VPE.

Signing of a framework agreement requires the approval of the rail regulatory body.

After the validity period of the framework agreement the signing of a new one can be initiated only by the applicant.

If the capacity allocation body, based on data provided by the infrastructure managers, notices that capacity reserved for congested section under a framework agreement signed in accordance with the Railway Act Paragraph 57. (5) is utilised less than the rate defined in the Network Statement for minimum one month, the applicant having this reserved capacity must be informed within 3 days and warned to make a declaration within 8 days if there is any reason out of the scope of his interest due to which the railway network was not accessible. Documents needed for the declaration must be attached.

If the applicant cannot fulfil obligations described above within the deadline or the reason out of the scope of his interest is not declared, the capacity allocation body reduces the reserved capacity with the extent of the un-used capacity for the rest of the timetable year. The applicant, the infrastructure manager and the regulatory body must be informed about such decisions by the capacity allocation body.

2.4.2 Access Contract and Internal Contract

2.4.2.1 Access Contract

VPE allocates capacity to the railway undertaking only after checking the existence of documents prescribed. Before the utilisation of the capacity allocated the railway undertaking must sign an Access Contract with the infrastructure manager. The Access Contract regulates the technical, technological, financial and legal conditions of the utilisation of railway infrastructure.

Preconditions to signing of an Access Contract include:

- having an operating licence
- holding a safety/ancillary certificate
- notice on capacity allocated in accordance with Railway Act Paragraph 64. (3)

The railway infrastructure cannot be used without a train path allocated and a valid Access Contract.

The Access Contract must contain the following:

- a) details of contracting parties
- b) the content of utilisation right
- c) the description of network to be used
- d) the time period of utilisation right
- e) services, responsibilities, technological prescriptions of the infrastructure manager
- f) obligations, technological prescriptions of the applicant
- g) details of traction units to be used, description of the hand over process of date of wagons
- h) if the railway undertaking uses a traction unit that is in his operation, there must be an obligatory annex with a table describing the specific value of average traction current that is typical of the type of traction unit and train type forwarded

- i) payment conditions
- j) contact details both of the railway undertaking and the infrastructure manager
- k) regulation of forwarding of dangerous goods or extraordinary consignment
- l) agreements for track access to services facilities, additional or ancillary services
- m) if there is a bilateral agreement between the parties, the conditions of infrastructure activities that are executed by the personnel of the railway undertaking

General Terms and Conditions for the Access Contract are in Appendix 2.4.

When entering into an Access Contract the regulations of the Civil Law (Act IV of 1959 on the Civil Code of the Republic of Hungary), especially of the general rules of contracting, the Railway Law and the Network Statement must be applied jointly.

2.4.2.2 Internal Contract

MÁV Infrastructure Business Unit and GYSEV Infrastructure Business Unit must enter into an Internal Contract with their business units operating within the organisation and executing freight, passenger or traction services before using any capacity allocated.

The railway network cannot be used by the train operating business unit without capacity allocated and valid Internal Contract. The Internal Contract is worked out by VPE and the integrated companies sign it. Internal Contracts must be sent to the regulatory body for approval.

Conditions set in the Internal Contract must be in compliance with the requirements defined by Decree Nr. 101/2007 (XII. 22.) of the Ministry of Economy.

2.5 Operational rules

2.5.1 The obligation of employing railway operational rules

Railway undertakings must employ the following operational rules applied by the given infrastructure manager:

- a) F.1. Rules of Warning
- b) F.2. Operational Rules
- c) F.3. Rules on dispatching and operative dispatching services (only for MÁV network)
- d) E.1. Rules for the personnel of the traction unit
- e) E.2. Rules on Brakes
- f) E.12. Technical Wagon service Rules
- g) Technical tables I-II
- h) E.101. General Rules for the electrified lines of MÁV
- i) H.6. Rules on handling of extraordinary consignment
- j) O.1. Educational Rules - Infrastructure Chapters (except if the railway undertaking has an educational rules on his own approved by the traffic authority)
- k) Station Execution Rules - Infrastructure related parts

The traffic authority approves the rules from a to j out of the rules listed above. The entering into force, publication or modification of these rules are communicated by MÁV and GYSEV in writing towards VPE and the railway undertakings and information in line with must be placed on their websites, too (www.mav.hu, www.gysev.hu).

Rules listed above and any other regulations that the infrastructure managers consider important for the usage of railway network must be published in full length of the websites of MÁV and GYSEV.

2.5.2 Documents to be employed while running a train

Documents described in Rules listed in point 2.5.1 must be employed while running a train on the network.

2.6 Exceptional Transport

A consignment must be considered as exceptional transport if the consignment presents extra difficulty due to its outer size, weight or shape considering railway equipments or wagons thus its forwarding can only be permitted under special technical and operational conditions. Rules in line with extraordinary transport are published by the infrastructure manager (H.6. Rules)

MÁV Infrastructure Business Unit - Operational Department Dispatching Centre

Address: 1087 Budapest, Kerepesi út 16.

Phone: +36 1/511-3061

Fax: +36 1/511-43-11

GYSEV Infrastructure Business Unit

Phone: +36 99/517-213

Fax: +36 99/517-148

2.7 Dangerous goods to be forwarded in a train

Materials and objects are considered as dangerous goods if the Regulation concerning the international carriage of dangerous goods by rail - Convention concerning International Carriage by Rail (COTIF) Appendix C (RID) and Annex 2 (regulation on the transportation of dangerous goods) of the SZMGSZ Agreement on International Goods Transport by Rail.

Railway undertakings must inform the infrastructure manager when applying for a train path if catastrophe level dangerous goods or RID 1.10 consignment that has a high public safety risk are to be forwarded and information on the attendance of a train and safety arrangements to be employed.

Organisational units to be informed:

MÁV Infrastructure Business Unit - Operational Department Dispatching Centre

Address: 1087 Budapest, Kerepesi út 16.

Phone: +36 1/511-3061

Fax: +36 1/511-43-11

GYSEV Infrastructure Business Unit

Phone: +36 99/517-213

Fax: +36 99/517-148

2.8. Conditions for the running of rolling stock

The suitability of the rolling stock operated by the railway undertaking is proved by the licence that allows putting it into operation issued by the traffic authority.

The railway undertaking must fulfil all conditions set for the set-up of trains, technical and train inspection of wagons, brake trials and the braking level.

The railway undertaking must declare - in line with the decree Nr. 40/2006. (VI. 26) of the Ministry of Economy and Transport - the data, parameters of wagons used or to be used.

Licensing authority:

National Transport Authority

Accentuated Matters Division

Rail Authority Department

Address: 1066 Budapest, Teréz krt. 62.

Phone: +36 1/474-1786

Fax: +36 1/312-6614

2.9 Conditions for staff

The competence of the personnel of the railway undertaking is proven by the safety certificate's staff related part. This is to prove that the staff - in accordance with the decree Nr. 40/2006. (VI. 26) of the Ministry of Economy and Transport, Paragraph 6 (2) g) - acknowledge all rules that are regulating railway operation that are attached in a list format to the application for the safety certificate and hold all railway examinations prescribed and have medical certificates.

In scope of activities that are in connection with the operation of trains Hungarian as the only language is applied.

3. INFRASTRUCTURE

3.1. Validity of information about infrastructure, mode of tracing changes

Oriented to the schedule of preparing the Network Statement, Infrastructure Managers have to provide technical and service data related to the network 60 days before the publication of the Network Statement at the latest, in the case of changings, immediately.

The obligation in reference to the content of providing data is laid down in Section 62 of Act CLXXXIII of 2005 on railway transport (hereafter Railway Act) and in Section 3 of Government Decree No. 333/2005 on legal relation between the Rail Capacity Allocation Body and the integrated company.

Data and information provided by the Network Statement apply to the date when the Network Statement enters into force. VPE shall continuously inform railway undertakings, Infrastructure Managers and the rail regulatory body in writing and on VPE's home page on changes and modifications to the Network Statement. If necessary, VPE shall implement amendments to the Network Statement.

3.2 Introduction of the open access railway network

Hungarian open access railway network operated by MÁV Zrt and GYSEV Zrt and the classification and numbering of the lines (railway lines part of the Trans-European railway freight network, other national main lines, national secondary lines) are introduced in Annex 3.2.

3.2. 1 Limits of the infrastructure

Conditions of the combined transport

Unified marking and coding of the railway lines concerned by forwarding of loading units of the combined transport (containers, semi-trailers, swap bodies) as well as the conditions of forwarding of them are determined by the UIC Leaflet No 596-6, by the Appendix 5 point 32 of the Loading rules found in the General Contract for the use of freight wagons and by related additional agreements. Conditions of carriage of the transport units of the combined transport are introduced in Annex 3.2.1.

The combined transport profile code of the railway lines is: PC 80/410, with the exception of the following sections of infrastructure:

- Budapest-Déli - Budapest-Kelenföld
- Hidas - Bonyhád - Bátaszék
- Pilisvörösvár - Piliscsaba
- Szarvaskő - Mónosbél - Bélapátfalva - Szilvásvárad - Csokvaomány - Királd
- Veszprémvarsány - Zirc
- Kisköre - Abádszalók
- Gönc - Hidasnémeti
- Szokolya - Diósjenő - Drégelypalánk

Railway lines where RoLA trains can run are indicated in Appendix 3.3.1.1.

Obligation of monitoring service on the locomotive

On the network of the GYSEV Zrt in the case of trains hauled by locomotive types of M43, M47 - except the series M47-1200 and M47-1300 - and also in the case of type M44 if the direction of train running is the same of the engine room, a second colleague is obliged to perform monitoring service on the following sections of infrastructure:

GYŐR GYSEV - Ikrény
Fertőboz - Sopron
Sopron - Harka
Acsád - Szombathely

The above mentioned route sections are indicated according to the running direction.

3.2.2 Connecting railway networks

List of border crossings of the national railway network, organisations of the neighbouring infrastructure managers, type of traffic which may run through certain border crossings can be seen in Annex 3.2.2-1.

Connecting stations between MÁV Zrt and GYSEV Zrt are comprised by Annex 3.2.2-2.

Connecting tracks, junction tracks and tracks in own operation connected to the open access railway network can be seen in Annex 3.2.2-3.

3.2.3 Further information related to the network

Arrangement and relationship between the railway lines of Budapest and its surroundings is illustrated in Annex 3.2.3-1.

3.3. Characteristics of open access railway network

3.3.1 Geographical characteristics

3.3.1.1 Lines, track network of the open access national railway network

Summary table of the main characteristics of open access national railway network - broken down to sections in accordance with the changing of typical parameters - can be found in Annex 3.3.1.1 which presents the technical and operating characteristics of the lines in details as follows:

- serial number, sub serial number of the lines
- starting point of the line (station)
- end point of the line (station)
- number of tracks (one, two, or more)

- applicable axle load (t)
- applicable load per meter (t/m)
- indication of the line category
- applicable speed (km/h)
- maximum length of train (m)
- electrification of the line
- type of traffic control system
- ground-train radio link
- automatic train control
- possibility of RoLa running
- indication by the combined transport profile code
- gauges

3.3.1.2 Gauges

The open access railway network consists of the standard gauge (1435 mm) and broad gauge (1524 mm) railway lines.

3.3.1.3 Service points on the open access railway network

Locations of service points in the open access railway network and the most important technical and operational characteristics of the service points can be seen in Annex 3.3.1.3.:

- serial numbers, sub serial numbers of lines
- designation of the service point
- code of the service point
- type of the service point
- number of the statistical section
- distance between neighbouring service points
- electrification
- type of safety installation
- number of the station tracks
- number of dispatching and receiving tracks
- length of the platform belonging to dispatching and receiving tracks
- maximum permitted length of train
- availability and location of pre-heating/pre-cooling, electric power, water supply, waste water drain connections next to tracks
- indication of possibility, mode and place of access for disabled customers

3.3.2 Technical and operational characteristics of railway lines and route sections

3.3.2.1 Loading gauge

Loading gauges used by MÁV Zrt and GYSEV Zrt as well as international loading gauges and GA (UIC) loading gauges are listed in Annexes 3.3.2.1.-1 - 3.3.2.1-6.

3.3.2.2 Applicable maximum axle load and meter load of railway lines

Maximum axle loads as well as meter loads applicable to different lines can be found in Annex 3.3.1.1.

3.3.2.3 Curve and gradient ratio

Ruling gradients, maximum gradients, load sections typical of railway lines can be found in Volume I Table 1 of Technical Tables.

For further information regarding curve ratio of certain sections of the infrastructure please turn to the locally competent Engineering Section of Track Facilities Department of MÁV Infrastructure Business Unit Regional Centre, as well as to track maintenance units of GySEV Zrt Infrastructure Business Unit. Availabilities of these units can be seen in Annex 3.3.2.3.

3.3.2.4 Maximum speed applicable to railway lines

Maximum speed applicable to certain railway lines is shown in Annex 3.3.1.1.

Infrastructure Business Unit of MÁV Zrt and Infrastructure Business Unit of GYSEV Zrt publish a monthly statement on their websites with the title „Statement of constant and temporary speed restriction signals”.

3.3.2.5 Maximum length applicable to trains on railway lines and service points

Maximum length applicable to railway lines

Maximum length of trains in service points is determined in Appendix 3.3.1.3.

3.3.2.6 Characteristics of power supply system

Track clearance on electrified railway lines and on railway lines designated for electrification shall be established in accordance with Standard MSZ 8691/4-81 on „Clearance of national public railways. Clearance dimensions of electrified tracks”. Voltage of the electric overhead contact line is 25000 V, with a frequency of 50 Hz. Stagger of catenary is 30, 40 cm. Annex 3.3.2.6 contains data of interoperability of the electric overhead line network as well as voltage and frequency data of electrified border crossings. Electrified railway lines are shown in Annex 3.3.1.1.

3.3.3 Traffic control, safety installation and communication systems

3.3.3.1 Safety installations

There are mechanical, relay-dependent and electronic safety installations in operation on the network which are listed in Annex 3.3.1.3.

3.3.3.2 Traffic control systems

Traffic control of the individual lines can be split into the following systems:

- a) a, Central Traffic Control (KÖFI)
- b) b, Central Traffic Supervision (KÖFE)
- c) c, Operation controlled line
- d) d, Traffic control on sidings (MEFI) and radio-based traffic control on sidings (MERÁFI)
- e) e, Supervised line and line supervised by station.

Traffic control systems in use can be found in Annex 3.3.1.1.

3.3.3.3 Ground-train radio network

The ground-train radio network is a 160 MHz, UIC 751-3 type system (450 MHz). Either mobile UIC-type radio-sets built in the vehicle and to be controlled by one or two operating devices, or fix installed radio-sets can be connected to both of the ground-train radio systems. Operation-mode of the non-selective 160 Hz radio system is duplex from the operator side and two-frequency simplex from the mobile side, while the operation mode of the 450 Hz selective radio-system is duplex from the operator side and duplex or simplex from the mobile side. Discussions are registered with a date/minutes accuracy.

On the Zalaegerszeg - Récics line MERAFL (radio-based traffic control on sidings) is in operation which can be used by vehicles equipped with special board radio facilities.

None of the above systems comply with the requirements of interoperability. The applied ground-train radio network can be found in Annex 3.3.1.1.

3.3.3.4 Automatic train control systems

The following automatic train control systems are in operation or installed on the network:

- EVM
- INDUSI
- ETCS.

Automatic train control systems in use can be found in Annex 3.3.1.1.

3.4. Traffic restrictions

3.4.1 Separation of specialised infrastructure

The Infrastructure Manager has the possibility to designate certain lines and sections of infrastructure for only passenger or freight transport purpose in the event that alternative routes are available.

On the open access railway network of Hungary no specialised infrastructure is designated.

3.4.2 Environmental restrictions

On the open access railway network of Hungary there are no environmental restrictions.

3.4.3 Restrictions for exceptional consignment and dangerous goods

Conditions of restrictions due to exceptional consignment and dangerous goods can be seen in instructions H.6 and in the RID Regulation.

3.4.4 Restrictions for tunnels

Main parameters of railway tunnels in Hungary can be seen in Annex 3.4.4.

3.4.5 Restrictions for bridges and engineering constructions

Restrictions for bridges because of axle load can be found in Volume II. Table 4 of Technical Tables.

3.5 Availability of railway infrastructure facilities

In accordance with the reasoned decision of the Infrastructure Manager the railway network is not available to the authorised applicants on a continual basis.

Potential restrictions:

a, service interruption, service stoppage

Infrastructure Manager may introduce restrictions on certain service points from traffic regulation point of view.

Service interruption, service stoppage introduced from traffic regulation point of view are listed on service points in Annex 3.5-1.

b, traffic restrictions imposed because of maintenance, renewal and enhancement works carried out on the track facilities

Maintenance, renewal and enhancement works which concern the access and are carried out on track facilities , are found in Annex 3.5-2.

3.6 Technical, preparatory facilities and passenger processing for passenger trains

Information related to the technical, preparatory facilities and passenger processing for passenger trains is listed in Annex 3.3.1.3 by service points on certain lines.

Use of technical, preparatory facilities and passenger processing for passenger trains is regulated in the Executive Instructions for Stations.

3.7 Service facilities of stations for freight trains

Information related to the facilities of stations for freight trains is listed in Annex 3.3.1.3 by service points on certain lines.

Use of facilities of stations for freight trains is regulated in the Executive Instructions for Stations.

3.8. Service facilities

3.8.1 Passenger and freight train formation yards

The list of passenger and freight train formation yards can be found in Annex 3.3.1.3.

3.8.2 Access to loading sidings and loading areas

Infrastructure Business Unit of MÁV Zrt and Infrastructure Business Unit of GYSEV Zrt give information on loading sidings and loading areas.

3.8.3 Maintenance facilities

Infrastructure Business Unit of MÁV Zrt and Infrastructure Business Unit of GYSEV Zrt do not possess any vehicle maintenance facilities.

3.8.4 Refuelling facilities

Location of refuelling equipment, types of fuels to be sold and opening hours can be seen in Annex 3.8.4.

3.8.5 Technical facilities

Interchange of axles

Facility which is suitable for interchanging of axles of normal gauge and narrow gauge wagons is available in the Axle Interchange Workshop in Záhony at MÁV Zrt.

Wagon weighbridges

Infrastructure Managers provide access for railway undertakings to wagon weighbridges on those locations which are shown in Annex 3.8.5.

Service points equipped with preheating and precooling facilities and waste water sewer connection

The possibility of preheating and precooling activities, connection of traction current, water supply and waste water sewer can be found in Annex 3.3.1.3.

3.9 Significant foreseeable infrastructure enhancement works

Significant infrastructure enhancement works foreseeable for the period after the 2009/2010 timetable year are contained by Annex 3.9.

4. CAPACITY ALLOCATION-

4.1 Introduction

Railway network capacity and services provided by the infrastructure manager may be requested at VPE by any railway undertaking which verifies in compliance with point 2.2 its entitlement to use the railway infrastructure.

Based on requests, in its train path application information technology system, VPE carries out capacity allocation to services provided by the infrastructure manager within the framework of open access.

For track sections, for which neither annual nor late path requests are submitted, VPE shall construct catalogue train paths to be published on its web side and in its train path application information technology system.

VPE shall treat information supplied by applicants confidentially.

4.2 Description of the capacity allocation process

In accordance with community and domestic legislation, dividing of activities among organisations involved in the capacity allocation of open access railway track network, ensuring access, provision and use of services provided by the infrastructure manager, as well as the prescription of the entire process can be seen in Annex 4.2.

Train path application for border crossing trains

Railway undertaking shall apply for train path for border crossing trains at VPE from the border point or to the border point, respectively.

Should the application for train path in cross border traffic take place in cooperation with a railway undertaking established and licensed in accordance with Directive 95/18/EC in any other EEA member state, or with a railway undertaking established abroad under the provision of international contract or on reciprocity, the availability of the cooperating party shall be given in the train path application submitted by the railway undertaking registered in Hungary.

4.3 Rules and deadlines of the capacity allocation process

Railway undertakings shall submit their requests at VEP for the use of services of the infrastructure manager set out in point I-III Annex 3 of the Railway Act in electronic way through the train path applying information technology system of VPE. VPE shall enter data of train paths ordered on fax into its train path applying information technology system. A pattern of application form for this purpose can be seen in Annex 4.3-1.

Railway undertakings licensed to access shall submit their annual, late, mid-term, ad hoc and instant capacity requests which shall comprise the type of request, the train type group and the train type, as well as the time for technology necessary for carrying out the activity of the railway undertaking. List of the types of request, train type group and the train types can be found in Annex 4.3-2.

Should the railway undertaking use also privately owned railway tracks which are linked to the open access railway network through a connecting track, railway undertaking - when applies for capacity - must be in possession of a service agreement concluded with the operator or user of the privately owned railway network, and shall make a statement on the existence of such an agreement when capacity is requested.

Until the deadline for the submission of annual late requests to be taken into account during the period of constructing the annual working timetable, infrastructure manager shall submit at VPE its request for network capacity enabling the maintenance, renewal and enhancement works on the network which can be scheduled on a yearly base, while network capacity request for not foreseeable track works shall be submitted by the infrastructure manager in the running timetable year.

Infrastructure manager is exclusively entitled to apply at VPE for service train path for his working trains which he intends to run in order to operate his own track network, using not reserved free capacity in the working timetable.

VPE shall without delay inform the rail regulatory body of the receipt of capacity requests.

For trains running on more than one railway network, if appropriate, pre-constructed international trains paths shall be established which shall be made available for applicants.

Should network path requests submitted for any element of the railway network conflict, VPE shall initiate a coordination process with the involvement of applicants concerned, and decides based on this process.

VPE shall inform the railway undertaking concerned, the infrastructure managers and the rail regulatory body on his decisions made in capacity allocation.

4.3.1 Deadlines for application for annual train paths and timetabling

Deadline for submitting annual train path requests is the second Monday of April in the previous timetable year (13 April 2009).

Annual late path requests shall be submitted after the deadline for the annual path requests but 5 weeks prior to the entry into force of the annual working timetable (9 November 2009).

Within 12 weeks after the deadline of the submission of annual train path requests (until 6 July 2009) VPE shall construct the draft annual working timetable taking into account the submitted annual train path requests and the annual late path requests submitted 10 weeks prior to the deadline of the finalization of the annual working timetable, and VPE is obliged to send in writing the relevant parts of timetable to applicants in such a way that at least 5 weeks shall be available for applicants to make comments and for carrying out the necessary coordination (until 10 August 2009), and after that within two weeks (until 24 August 2009) VPE shall finalize its annual working timetable and shall allocate train paths.

Validity period of the annual working timetable begins at 00:00 hour on the second Sunday of December in the given year and lasts until 00:00 hour on the second Sunday of December in the subsequent year.

4.3.2 Handling of requests other than annual train path requests inclusive of ad hoc requests

Type of train path	Deadline for submitting request correlated to the date of the planed train run	Time needed for allocation
Mid term train path	At least 5 weeks before train run.	Within 5 working days
Ad hoc train path	At least 5 days before train run	As soon as possible, but within 5 working days at the longest
Instant train path	Within 5 days but at least 1 hour before train run	As soon as possible.
Train path for working trains		Permitting the run of working trains as soon as possible using not reserved free capacity of the working timetable

Deadlines and process of application for services provided by the infrastructure manager

In accordance with rules of train path application, services referred to in Annex 3 points I-III of the Railway Act, shall be ordered in the train path application system of VPE, or in case of disability, by using the application form defined in point 4.3 of this Network Statement.

Prior to the train path application at least 3 days before the planned use of the service, authorised applicant shall agree with the Traffic Department of Regional Centre of the Infrastructure Manager (PVTKFO) as regards MÁV Co and with the Infrastructure Business Unit regarding GYSEV Corp on possibility to ensure services as follows:

- Storage of vehicles,
- Service interruption, suspension of service stoppage,
- Occasional ensuring of shunting personal for shunting carried out by the railway undertaking,
- Ensuring of access to the vehicle weigh bridges
- Ensuring of access to loading sidings, loading places,
- Train acceptance activity (provided exclusively by GYSEV Corp.)

Prior to the train path application at least 10 days before the planned use of the service, authorised applicant shall agree with the Traffic Department of Regional Centre of the Infrastructure Manager (PVTKFO) as regards MÁV Co and with the Infrastructure Business Unit regarding GYSEV Corp on possibility to ensure the following services:

- Reduced operation, occasional handling of request occurred during operation brake.

4.4 Process of capacity allocation

Steps set out in legal rules for capacity allocation for the open access railway network, the entire allocation process from the submission of request to the invoicing of charges can be seen in Annex 4.4.

4.4.1 Coordination procedure

When the sequence of priorities of conflicting train path requests can not be defined in accordance with Section 17 of Decree No. 101/2007 (XII.22.) GKM, a coordination procedure shall be conducted. VPE shall initiate the coordination procedure in writing and in electronic way by simultaneously notifying each applicant affected and the rail regulatory body within two working days after VPE has got to know of the conflict of applications submitted for the railway network capacity.

The notice of the coordination process shall include the capacity affected by conflicts between applications for railway network capacity, the proposed capacity which differs from that which was requested, the venue, date and time of the coordination procedure and consequences if parties concerned fail to participate in the coordination procedure.

The coordination procedure shall be conducted by VPE. Minutes shall be taken of it and signed by each party participating in the coordination procedure. Each party shall receive one copy of the minutes.

Should the coordination procedure not achieve a result within 10 working days, VPE shall decide about the requests affected by the coordination procedure by taking into account the sequence defined by Section 19 points 4) and 5) of Decree No 101/2007 (XII 22), and consequently, may make such a proposal to the authorised applicant which differs from the request submitted by the applicant.

4.4.2 Disput resolution process, possible recourse

in accordance with the provisions of Section 77 (1) of the Railway Act authorised applicants or integrated railway companies may initiate legal dispute process at the railway regulator body against decisions made by VPE in the issue of ensuring rail network capacity.

4.4.3 Congested infrastructure

Congested infrastructure

If on a certain railway section even in the framework of a coordination process it is not possible to satisfy train path requests, and as a consequence of this train path requests rejected run up to or go beyond 10% of the monthly theoretical capacity of a certain railway section, or if train path requests to be foreseeable submitted within a year are very likely not to be satisfied, VPE shall qualify the concerned part of the railway network as a congested railway section.

Priority rules and procedure to be followed

1. On a congested railway section train path requested by the Infrastructure manager shall have priority if

- a) the use of the capacity is needed to execute the provisions of a legal rule, or
- b) Infrastructure Manager carries out maintenance, renewal or enhancement works.

Infrastructure Manager may not enforce the priority laid down in point 1 over public services provided within peak hours.

2. On a congested railway section, after enforcing the provisions above, or if annual, late, ad hoc and instant requests coincide, with the exception of railway sections designated as specialized infrastructures, priority shall be given to
 - a) Railway public services,
 - b) Cross border passenger transport,
 - c) Cross border freight transport,
 - d) Other freight transport,
 - e) Other passenger transport.

If train path request to which priority shall be given in accordance with the provisions of point 2 can not be identified, priority shall be given using ranking below :

- f) to trains running on the basis of the Basic Interval Timetable, ,
- g) to train paths ordered in the scope of the framework agreement,
- h) train path requests covering more traffic days,
- i) train path requests for longer distances,
- j) train path request of regularly running trains,
- k) train path requests submitted earlier.

Use, revocation of the right for use

For a congested infrastructure VPE is entitled to withdraw train paths of railway undertakings which were used only in an extent of less than 60% over a period of 3 months, except cases when it happens for a reason which may be attributed to the railway undertaking.

Should in any of the papers, documents justifying the right to use the railway infrastructure be modified, VPE is entitled to revise the right for using the train path allocated.

If the papers, documents referred to above do not justify the right of the applicant for using the train path, VPE may revoke the right for using the train path. VPE shall inform the applicant of the revocation of the train path in writing,

4.4.4 Effect of the framework agreement

Train path request submitted on the basis of a framework agreement has priority in accordance with provisions of Section 21 (4) of the Decree No. 101/2007 (XII.22) GKM.

4.5 Capacity allocation for maintenance, renewal and enhancement works

4.5.1 Process description

Infrastructure manager shall submit at VPE its requests for network capacity in compliance with the procedure described in this point to carry out maintenance, renewal and enhancement works on infrastructure facilities. Identification of network capacity required for works shall be done in the framework of a timetable coordination process convened by VPE. Expected effects of the maintenance, renewal and enhancement works with a monthly update shall be published on the home page of VPE.

Ensuring railway network capacity for scheduled maintenance, renewal and enhancement works

To enable the execution of scheduled maintenance, renewal and enhancement works on the railway network, Infrastructure manager shall submit at VPE its requests for network capacity necessary to execute these works. The submission shall take place by meeting the deadline for submitting of the annual train path requests, but not later than the end of the tenth week before the finalisation of the annual working timetable in accordance with guiding rules relating to the annual and late path requests, in the train path requesting electronic system of VPE in compliance with the pattern shown in Annex 4.5.1. If the train path requesting electronic system of VPE is not available, requests shall be submitted in a letter form or on fax. These requests shall be satisfied in compliance with rules relating to the yearly working timetable.

Capacity allocation rules for maintenance, renewal and enhancement works which can not be scheduled on a yearly base

For the length of time carrying out maintenance, renewal and enhancement works which can not be scheduled in the period of constructing the annual working timetable, Infrastructure manager shall apply for network capacity in the train path application system of VPE - if this system is not available in written form in a letter or on fax on the basis of the pattern shown in Annex 4.5.1, taking into account the loss of revenues to be expected and the possible liabilities to compensate damages regarding train paths allocated. On the basis of submitted train path request, if it concerns allocated train paths, VPE shall initiate the suspension of the working timetable of this certain section, and shall prepare a provisional working timetable which shall be agreed with the applicant involved. VPE shall construct the provisional working timetable in such a way that the modification of the allocated train paths would be kept at a minimum level.

- a) For maintenance, renewal and development works which can not be scheduled in the period of constructing the annual working timetable, infrastructure manager is obliged to apply for capacity at VPE not less than 30 days before starting the works in accordance with rules of capacity allocation.

When applying for infrastructure capacity the following data shall be given:

- track section concerned (line between stations, left right track, station track, etc.)
- length of work (from-to: month, day, hour, minute; or from train to train. etc.)
- technological characteristics, (voltage neutralisation, speed restriction signal for labour protection, etc.)

- b) VPE shall investigate within 5 working days whether the application for capacity submitted by the infrastructure manager and train paths which have already been allocated, coincide.
- c) After conducting the investigation process under point b), VPE shall carry out a coordination process in accordance with rules relating to coordination process, if necessary by inviting the infrastructure manager and applicants (parties concerned) entitled to use the train paths which coincide.

During the coordination process the followings shall be determined:

- train path to be modified, as well as extent of modification,
- train path of trains running possibly on a by pass or on an alternative route,
- train paths to be cancelled,
- train paths substituted partly or entirely by buses,
- train paths designated by the applicants entitled to use train path which might be affected and should possibly be modified in order to ensure connections

Parties affected may agree in accordance with rules relating to the gross charging principle of accountancy also during the coordination process on charging and bearing of possible surplus costs and liabilities for damages - inclusive not solely of charge for granting train path and cancellation fee - which may arise to applicants who are entitled to use of the train path.

- d) Railway undertaking shall cancel at VPE train paths to be modified for the certain period as a result of the coordination process, and shall order new train path at VPE with the modified route/time data in accordance with the rules of cancellation of and application for train path..
- e) Regarding modified train paths, VPE shall construct new timetable (temporary working timetable) based on train path requests submitted again which will become part of the working timetable.

4.6 Procedure when allocated capacity is not used, cancellation rules, procedure if train path is not cancelled

Procedure if the allocated capacity was not used

In the case of congested infrastructure, VPE may withdraw on the basis of data provided by the infrastructure manager the right for the use of the train path if the applicant uses the train paths allocated to him only in an extent of less than 60% during three months (threshold value) for reasons which may be attributed to the applicant.

When determining the extent of the utilisation of capacity, calculations shall be based on the number of train paths, -The threshold value shall also apply to trains running by the virtue of a framework agreement.

Cancellation rules, procedure if train path is not cancelled

Railway undertaking may cancel the applied and allocated train path or service at VPE in writing or through the train path applying informatic system of VPE.

Should railway undertaking neither use nor cancel in due course its train path within a certain time, it shall pay a cancellation fee.

4.7 Exceptional consignment and dangerous goods

Applicant shall indicate in his application for train path if he intends to forward exceptional consignment and dangerous goods.

Procedure to be comply with when forwarding exceptional consignments can be seen for MÁV Co in Annex 6.1.4.1 and for GYSEV Corp in Annex 6.1.4.2.

4.8 Special measure in the event of disturbances, emergency

4.8.1 Main principles of restoring the scheduled traffic

- a) In the event of deviation from the daily plan and timetable, the operational and operative control organisation of the infrastructure manager shall take the necessary steps to remove disturbances, restore the scheduled train movements in accordance with timetable.
- b) Railway undertakings shall make a contact person entitled to decide continuously available or an own governing organisation who may be notified by the operational and operative managing organisation in the event of disturbances or emergency, and the request of whom shall be taken into consideration in order to restore the scheduled operation
- c) Force majeure and other unforeseen, exceptional circumstances
 - In the event of disturbance to train movements caused by technical failure or accident, infrastructure manager must take all necessary steps to restore the normal operational situation. To this end infrastructure manager shall draw up an emergency plan which involves bodies to be informed in the event of serious accidents or serious disturbance to train movements.

- On request of the infrastructure manager railway undertakings - on payments - are obliged to make available their resources which they feel to be the most appropriate to restore as soon as possible the normal operational situation.
- In the case of disturbance which makes the railway infrastructure temporarily unusable, infrastructure manager may withdraw the allocated train path for such a long time as it is necessary to repair the system with the notification of the interested parties. On request of the applicant, VPE shall offer for this period an other train path from free capacity available.
Procedure:
 - The operation control organisation of the infrastructure manager shall take steps to remove obstacles from the railway network.
 - Operation control organisation of the infrastructure manager with the involvement of the governing organisation or representative of railway undertakings shall take steps to cease the disturbance, emergency and to run the trains of the railway undertaking.

Infrastructure manager is obliged :

- a) to inform VPE, other railway undertakings and other infrastructure managers if an exceptional event occurs,
- b) to take steps to cease disturbance and emergency.

Authorised Applicant is obliged:

- a) to inform the infrastructure manager if an exceptional event occurs,
- b) to contribute to cease the arisen emergency with accounting the justified costs,
- c) to tolerate the disturbance of railway traffic, if exceptional events occur.

4.8.2 Procedure:

In the event of disturbances or emergency, procedural rules to be complied with regarding MÁV Co can be seen in Regulation F.3. on the provision of operation control service and operative business unite control service.

4.8.3 Foreseeable problems

In the event of foreseeable emergency, procedure to be followed shall comply with provision of § 31, point (2) a-b) of the Railway Act.

4.8.4 Unforeseeable problems

In the event of unforeseeable emergency, procedure to be followed shall comply with provision of § 31 point (2) a-b) of the Railway Act.

5. SERVICES TO BE PROVIDED TO RAILWAY UNDERTAKINGS

5.1 Introduction

Article 54 and Annex 3 of Railway Act regulates basic services, supplementary access services, additional and ancillary services to be provided as open access services.

Open access railway network and services to be provided as open access ones shall be made available to each authorised applicant under equal conditions, and must be provided at the same price to them.

The content of the services provided by MÁV Zrt and GYSEV Zrt is different owing to local features, nevertheless every service provided by both Infrastructure Managers meets the requirements of the 2001/14/EC Directive.

The services offered by MÁV Zrt and GYSEV Zrt are presented separately in this chapter only in the case of discrepancy.

Related infrastructure background is presented in Chapter 3, conditions of charging system can be found in Chapter 6.

5.2 Basic services (minimum access package)

Ensuring of train path (reservation)

Handling of application for rail network capacity (the service is in accordance with the Article I. a) of Annex 3 of the Railway Act).

The service contains:

- electronic receipt of the client's request (including supplementary and additional services belonging the request)
- examination of achievability of the request
- construction of the required timetable
- appraisal of achievability of the service belonging the request
- feedback to the client about the acceptance and realization of the request
- necessary steps in the interest of execution

Running of trains

Making the open access railway network available to the authorised applicants for the purpose of forwarding goods, passenger transport (service in accordance with Article I. b) Annex 3 of the Railway Act).

- Ensuring the use of open access railway lines, running tracks, points, junctions, engineering structures, as well as control command and signalling equipment (service in accordance with Article I. c) Annex 3 of the Railway Act)
- Running of trains by ensuring staff, tools and information systems of traffic control and traffic operation (service in accordance with Article I. d) Annex 3 of the Railway Act)
- Handling and forwarding data necessary for the running of railway vehicles (service in accordance with Article I. e) Annex 3 of the Railway Act)

5.3 Supplementary services

5.3.1 Use of electrical supply equipment for traction current

This service comprises the access to and use of electrical supply equipment for traction current and energy supply system (without providing traction current). (service in accordance with Article II. c) Annex 3 of the Railway Act).

5.3.2. Access to refuelling facilities

This service comprises access to tracks linking to refuelling facilities as well as traffic activities necessary for access. (The service does not include shunting crew and shunting locomotive provided by the Infrastructure Manager).

5.3.3 Services for passenger trains and passenger cars

Use of station by passenger trains for stopping (service in accordance with Article II. b) Annex 3 of the Railway Act).

This service comprises:

- access to and use of passenger station, stations and stops as well as track infrastructure and other facilities - which are required for the purpose of passenger transportation, not included in basic service,
- use of passenger service facilities, buildings,
- provision of information through passenger information systems.

Use of the origin/intermediate/destination stations (service in accordance with Article II. b) Annex 3 of the Railway Act)

This service comprises:

- access to the network for the purpose of forming, shunting, splitting of passenger trains
- access to and use of installed infrastructure equipment necessary for preheating, pre-cooling and water supply (without guarantying energy and water).

Staff of authorised applicant may perform shunting on its own in stations only in possession of a valid exam as foreman shunter and after fulfilling requirements defined by the local appendix of the Workers Protection Law related to the given service point.

5.3.4 Services to freight trains and wagons

Use of origin/intermediate/destination station related to freight trains (service in accordance with the Article II. a) Annex 3 of the Railway Act)

This service comprises:

- access to railway tracks and facilities belonging to stations (tracks and related technical equipment used by train and detached/inserted wagons, including shunting facilities) for the purpose of forwarding goods (running-shunting of freight trains),
- use of traffic activities at stations related to dispatching, receiving and shunting of train (traffic control, registration of data of train operation)

Use of station by freight trains for the serving (service is in accordance with Article II. a) Annex 3 of the Railway Act)

This service comprises:

- for local wagons ensuring access to loading sidings, to open access connecting and junction railway networks, to open access private networks and transshipment sidings, loading places, tracks enabling access to freight terminals, as well as to technical and engineering equipments for serving purposes, and ensuring traffic activities necessary to access.

Staff of authorised applicant may perform shunting on its own in stations only in possession of a valid exam as foreman shunter and after fulfilling requirements defined by the local appendix of the Workers Protection Law related to the given service point.

5.3.5 Access to marshalling yards

Conditions for access to marshalling yards are included in services for the use of stations set out in Points 5.3.3 and 5.3.4.

5.3.6 Access to train formation facilities

Conditions for access to train formation facilities are included in services for the use of stations laid down in Points 5.3.3 and 5.3.4.

5.3.7 Storage of vehicles

This service comprises beyond a certain time the ad hoc or - based on a preliminary agreement - the stable storage of vehicles which are in operation of the railway undertaking.

The service does not include the guarding and supervision of vehicles.

Storage of vehicles on the network operated by MÁV Zrt

This service comprises the storage of vehicles beyond 36 hours.

Relevant cases:

- making available tracks as well as track sections designated for storage of breakdown vehicles, for vehicles steadily removed from service for a period less than one year. This service does not include access to facilities next to the tracks.
- making available tracks as well as track sections designated for stable (1 year) storage of vehicles in running order.
- making available tracks or track section for an ad hoc storage of vehicles in running order.

Exceptions can be made in the following cases:

- stay of wagons awaiting loading or unloading for less than 120 hours,
- stay of passenger cars for less than 120 hours on origin/destination stations
- stay of wagons and cars as a consequence of accidents, exceptional events
- storage of vehicles used for the purpose of operating the infrastructure.

Safe-keeping and protection of stored vehicle(s) is the obligation of the applicant.

Storage of vehicles on the network operated by GySEV Zrt

Storage charge shall be paid for vehicles (traction units, wagons, cars, power cars) standing more than 24 hours on the tracks of the network. Exceptions can be made in the following cases:

- a) wagons awaiting loading or unloading,
- b) wagons standing at stations beyond operation hours,
- c) wagons and cars waiting as a consequence of traffic congestions,
- d) passenger cars staying less than 48 hours on stations and on stations where trains reverse direction.

5.3.8 Other supplementary services

Ensuring access to railway weighbridges

This service comprises the availability of the weighbridge in working order, ensuring that the employee (mandatee) of applicant carrying out weighing gets into the scale house, and supervision of weighing of empty or loaded railway wagons carried out by the applicant.

Infrastructure manager shall ensure availability of this service on locations and in time period set out in Annex 3.8.5.

(This service does not include shunting crew and shunting locomotive provided by the Infrastructure Manager and the carrying out of weighing.)

Suspension of service interruption, service stoppage and operation break (service in accordance with the Article II. d) Annex 3 of the Railway Act)

The service 'suspension of service interruption, service stoppage' comprises the availability of Infrastructure Manager's traffic operation staff in places and in time period set out in Annex 3.5-1 affected by the suspension of service interruption, service stoppage, operation break.

The service 'reduced operation' comprises the availability of a reduced shunting capacity (shunting locomotive and staff of the infrastructure manager at the station) on location and in time period set out in Annex 5.4.4.

Railway undertaking is obliged to order from the competent infrastructure manager the suspension of the operation break.

Before applying for train path, authorized applicant is obliged to contact the Infrastructure Manager (MÁV Zrt. Infrastructure Manager Regional Centre Traffic Department (PVTKFO), GYSEV Zrt Infrastructure Business Unit) 3 working days prior to the scheduled use of the suspension of service interruption and service stoppage and 10 working days prior to the scheduled use of the suspension of reduced network operation and operation break.

5.4 Additional services

5.4.1 Supply of traction current

Service in accordance with the Article III a) Annex 3 of the Railway Act.

The service contains provision of traction current.

Railway undertaking is obliged to refund the cost of traction current consumed.

5.4.2 Refuelling, purchasing of fuel for traction

For opening hours of refuelling facilities and the type of fuel to be purchased see Annex 3.8.4.

- Fuel on the territory of MÁV Zrt may be purchased only at railway refuelling stations operated by the company.
- Fuel on the territory of GySEV Zrt may be purchased only at railway refuelling stations operated by the company.

5.4.3 Supply of other energy

This service is in accordance with the Article III. c) Annex 3 of the Railway Act. The service contains the provision of energy to be used for the preheating and precooling of trains and the supply of water to be used by trains.

List of facilities providing this service can be found in Annex 3.3.1.3.

5.4.4 Shunting

5.4.4.1 Shunting service on the network operated by MÁV Zrt

Shunting carried out by railway undertaking with own locomotive and shunting staff is not included by this service, traffic operation services in connection with carrying out shunting of its own are included in services 'use of stations'.

I Shunting for freight trains

Infrastructure Manager provides shunting service to railway undertakings in operation hours and places published in Annex 5.4.4. Railway undertaking may also order shunting services in other places and in other operation hours than published in Annex 5.4.4.

A) Shunting carried out by railway undertaking

Shunting carried out by the railway undertaking may take place only in those service points where the staff of the infrastructure manager (shunting personal) necessary to provide the traffic operation activity is available.

Should the authorised applicant order staff of the infrastructure manager for shunting carried out by the railway undertaking itself in places and in time other than defined in Annex 5.4.4, infrastructure manager shall satisfy this ad hoc request from free capacity in compliance with provisions set out in point 4.3.2.

a) Shunting carried out by railway undertaking for serving purposes

This service comprises the forwarding of local wagons to their destinations - from delivery and loading point of view to tracks to be used for loading purposes, to loading places, to the delivery points of the network for private use - with the use of shunting crew provided by Infrastructure Manager but without ensuring the shunting locomotive, traction energy, engine crew by the Infrastructure Manager.

Infrastructure manager ensures shunting service required to get to the railway weighbridges in operation hours listed in Annex 3.8.5.

b) Shunting carried out by railway undertaking for marshalling purposes

This services comprises the splitting up and formation of trains consisting of local or transit wagons at stations (marshalling yards, technical and engineering equipment for shunting at stations) with ensuring the shunting crew provided by the Infrastructure Manager but without ensuring the shunting locomotive, traction energy, engine crew by the Infrastructure Manager. This service also comprises traffic operation activities necessary for shunting.

B) Shunting carried out by Infrastructure Manager

For the purpose of shunting ordered by railway undertaking, availability of shunting locomotive and shunting crew at station is published in Annex 5.4.4.

a) Shunting for servicing purposes

This service contains forwarding of local wagons to their destinations - from delivery and loading point of view to tracks to be used for loading purposes, to loading places, to the delivery points of the network for private use - in operation hours and places published in Annex 5.4.4; the ensuring of shunting locomotive, traction energy, engine crew, shunting crew provided by the infrastructure manager.

b) Shunting for marshalling purposes

This services comprises the splitting up and formation of trains consisting of local or transit wagons at stations (marshalling yards, technical and engineering equipment for shunting at stations) in places and time published in Annex 5.4.4 with shunting locomotive, traction current, locomotive crew, shunting crew provided by the Infrastructure Manager. This service also comprises traffic operation activities necessary for shunting.

II Shunting services for passenger trains

The service comprises the splitting up and formation of passenger trains (including reversing and changing direction) at the origin/intermediate/destination stations.

5.4.4.2 Shunting service on the network operated by GYSEV Zrt

This service contains forwarding of local wagons to their destination, as well as the splitting up and formation of trains with shunting crew provided by the Infrastructure Manager but without ensuring locomotive, traction energy, engine crew by the Infrastructure Manager.

5.4.5 Transport of dangerous goods, exceptional consignment

This service is in accordance with the Article III. d) Annex 3 of the Railway Act.

a) Forwarding of wagons loaded with dangerous goods in train

Materials and objects to be considered as dangerous goods are qualified by the „(RID) Regulation on transportation of dangerous goods in the international railway traffic” as well as Appendix 2 (Regulation on the transportation of dangerous goods) of „SMGS Agreement on the international railway transport”.

In respect to the additional services provided by the Infrastructure Manager a wagon

- aa) forwarding explosion-risky goods (RID and SMGS Appendix 2, Class 1) and equipped with an 'explosion-risky' label,

- ab) forwarding radioactive materials (RID and SMGS Appendix 2, Class 7) and equipped with 'radioactive materials' label, shall be qualified as 'wagon loaded with dangerous goods'.

Should any wagon of the train contain dangerous goods the train shall be considered as a train transporting dangerous goods irrespective of the owners of the wagons.

b) Forwarding of exceptional consignments in normal train

In the event of forwarding exceptional consignments points 2.6 and 4.7 shall apply.

- ba) exceptional consignment transported on the basis of transport licence of general validity for standard sizes,
- bb) exceptional consignment transported on the basis of individual transport licence.

5.4.6 Other additional services

5.4.6.1 Other additional services provided by MÁV Zrt

- a) Weighing (This service is in accordance with Article III. b) Annex 3 of the Railway Act).

This service - at Eperjeske marshalling yard wide - comprises above services provided in compliance with Point 5.3.8 the weighing of wagons - at Eperjeske marshalling yard wide - on special request.

Weigh bridges situated at Eperjeske may be handled only by MÁV Zrt.

- b) Interchange of axles (Exchange of bogies) (This service is in accordance with the Article III. b) Annex 3 of the Railway Act).

This service comprises the exchanges of bogies of wide gauge wagons with bogies of standard gauge wagons. This service contains the refitting and resetting of bogies of wagons, as well as technical inspection of wagons after the exchange of bogies.

- c) Use of bogies (This service is in accordance with the Article III. b) Annex 3 of the Railway Act).

This service comprises the use of bogies.

5.4.6.2 Other additional services provided by GySEV Zrt.

Train data registration (outdoor train acceptance) (This service is in accordance with the Article III. e) Annex 3 of the Railway Act).

This service comprises registration of data required for preparing the total weight report of a departing train (VTK), communication of these data in order to enter them into the information system of the Infrastructure Manager, carrying out braked weight calculation, handling of rear light. This service is provided on locations and in time period defined in Annex 5.4.6.2.

MÁV Zrt does not provide this kind of service.

5.5 Ancillary services

5.5.1 Ancillary services provided by MÁV Zrt.

For information regarding ancillary services please contact Infrastructure Business Unit of MÁV Zrt.

5.5.2 Ancillary services provided by GySEV Zrt.

5.5.2.1 Technical inspection of railway vehicles

(Service in accordance with Article IV b) Annex 3 of the Railway Act)

The service 'Technical inspection of railway vehicles' contains the wagon inspection activity in accordance with Instructions No E12 and brake-test activity in accordance with Instructions No E2.

GySEV Zrt provides this service in places and in time frame published in Annex 5.2.2. In places or above time frame published in Annex 5.2.2 GySEV provides this service upon special agreement.

(The announcement of this service is only for information since the provision of ancillary services and publication of them in the Network Statement is not binding it is only possibility for the infrastructure managers.)

5.5.2.2 Other ancillary services provided by GYSEV Zrt

For information regarding ancillary services please contact the Infrastructure Business Unit of GYSEV Zrt.

6. CHARGES

6.1 Charging principles

The Hungarian network access charging practice is based on a full costs pricing in which the revenue arising from track access charges complemented with an additional financial resources given as state aids can cover the costs of the infrastructure manager.

Charging based on the expenditure-distribution principles and methodology defined in the Charging Methodology shall first be implemented in the preparation of Charge-calculating Documentation for the timetable year 2010/2011. Charging Methodology - for information - can be seen in Annex 6.1.

In the network access charging system non-discriminatory charges shall be published to different railway undertakings offering services of the same nature in comparable segments of the traffic market.

Directive 2001/14/EC affects the structure of charges to be paid by railway undertaking regarding marks-up and discounts in the following areas:

- Since no environmental mark-up is levied on activities of competing transport modes of the field equivalent to the open access railway network (Directive 2001/14/EC Article 7 (5)), railway undertakings need not pay any environmental mark-ups in connection with environmental effects resulting from railway transport for railway infrastructure sections and for train operation modes qualified as particularly harmful to environment.
- No mark-ups shall be levied to railway undertakings on congestion of a railway network. (Directive 2001/14/EC, Article 7 (4)).
- Due to legal regulations in force, compensation scheme for railways and competing transport modes (Directive 2001/14/EC. Article 10) and also discounts which might be given (Directive 2001/14/EC Article 9) are not subject to the Charging scheme relating to the timetable year of 2009/2010.

Network access charges are published in HUF and do not include value added tax (ÁFA).

6.1.1 Charging for basic services

Activities related to the handling of applications for railway network capacity and running of trains may be linked within basic services to two components, to the ensuring of train path and running of trains. Basic service activities provided by both infrastructure managers are the same. An accurate rating of the activities listed can be seen in point 5.2.

Use of train paths

Train path relates exclusively to the length of time defined in the train path allocation which is necessary for a train-run between two points. Consequently, any changes in the parameters of train path allocation, requires in accordance with legal provisions in force the cancellation of the path and a request for the new train path with modified parameters.

Should the change touch only the time data of the originally allocated train path and leaves other data unchanged, infrastructure manager shall not charge either cancellation fee for the cancellation of the original train path or fee of ensuring train path for the request for a new train path with new time data if conditions below shall be fulfilled:

- in domestic and outgoing cross border traffic, departure and/or arrival time of train path of the origin allocation shall change at most in a timeframe of 24 hours, departure and/or arrival time of train path requested in incoming traffic on border station shall change within a timeframe of 48 hours.
- The above described possibility for a free-of-charge-change may be used only once per train path. In the event of every further change in time data or in any other parameters, a train path cancellation fee and a fee for ensuring of train path for the new train path shall be charged in accordance with general rules.

Should the change affect any services listed in Annex 3 points I-III of Railway Act without changing the time data and the route of train run, no cancellation fee and fee for ensuring of train-run shall be charged for the cancellation of the original train path and for the train path request with new services.

6.1.1.1 Calculation of charges for basic services provided by MÁV Co

The network access basic charge consists of two components:

- Charge for ensuring of train path,
- Charge for running of trains

Basic services provided on payment of the network access basic charge can be seen in point 5.2, rates of charge can be found in point 6.3.

A) Charge for ensuring of train path

The charge for ensuring of train path shall be charged for services linked to reservation and allocation of train path equally on the broad, standard and narrow gauge network.

The charge for ensuring of train path shall be levied in categories as follows (published in HUF/train path measure unit:

Passenger trains:

- long distance train (A),
- local train (suburban train, regional train) (B),
- empty train, nostalgia train (C),

Freight train (D),
Loco train, staff train, loco test train and inspection train (E).

Should the infrastructure manager enable the use of the train path granted to the railway undertaking in a train-run under more than one train number (changing of train numbers), the charge for ensuring the train path shall be levied only on the first train in sequence.

If a railway undertaking requests a train path from the train path catalogue, or if a railway undertaking submits its application for train path at VPE until 15.00 hours on the fourth day before the planned run of the train at the latest, railway undertaking is obliged to pay the charge for ensuring the train path defined in table 6.3.1.1-1, except cases defined in point 6.1.1. If the railway undertaking requests a train path which is not contained by the train path catalogue after that deadline, railway undertaking will be charged the double sum of charge for ensuring train path defined in table 6.3.1.1-1

In the event of allocated train paths, irrespective of their cancellation, the charge for ensuring of train path shall be charged, exclusive of cases laid down in the provisions on the use of train paths of point 6.1.1.

B) Charge for running of trains

Charge for running of trains is composed of a varying, performance-dependent part, which consists of two performance elements:

- number of train run,
- and performed train kilometres

The fee for running of trains shall be charged for services listed in point 5.2 based on effectively performed train kilometres taking into account service parameters ensured for certain network elements on standard and broad gauge network equally. Fee for running of trains shall be charged for every train-run using train number, irrespective of the category or type of train.

Fee of running of trains shall be charged in 3 line categories and for the following train categories (published in HUF/train km measure unit):

Passenger trains:

- long distance train (A),
- local (suburban, regional) train (B),
- empty train, nostalgia train (C),

Freight trains,

Loco train, staff train, loco test train and inspection train (E).

The categorisation system of the individual network elements (railway lines/line sections, stations) is different for passenger and freight transport that is the reason why individual lines shall be categorised into passenger and freight line categories depending on the use of the lines.

Charge for the running of trains for a loco train is independent of the line category; this fee shall be charged alone on the basis of train kilometre performance.

Charges can be seen in table 6.3.1.1.2.

6.1.1.2 Calculation of charges for basic services provided by GYSEV Co on its track network

The network access basic charge consists of two components:

- charge for ensuring of train path,
- charge for running of trains.

Services provided on payment of network access basic charge can be found in point 5.2, charge rates can be seen in point 6.3.

A. Charge for ensuring of train path

Charge for ensuring of train path shall be charged for services linked to ensuring and allocating of train path. Tariffs can be seen in table 6.3.1.2.

B. Charge for running of trains

Charge for running of trains is composed of variable, performance-dependent part, which consists of three performance elements:

- number of train-run,
- performed train kilometre,
- and gross ton kilometres.

The fee for running of trains shall be charged for services listed in point 5.2, based on the effectively performed train kilometres taking into account service parameters ensured for certain network elements.

Fee for running of trains shall be charged for every train-run using train number, irrespectively of the category or type of train.

6.1.2 Calculation of charge of supplementary services

6.1.2.1 Charges of supplementary services provided by MÁV Co on its track network

Charge for the use of electrical supply equipment system for traction current

For the use of electrical supply equipment systems for traction current a catenary usage fee shall be charged for passenger, freight as well as loco trains.

Measure unit: HUF/electrical train kilometre. Tariffs can be seen in table 6.3.2.1..

Charge for the use of refuelling facilities

No special fee shall be charged.

Charge for access to stations for passenger trains

- *Use of stations for stopping* (for long distance passenger trains, local passenger trains):

Infrastructure manager shall ensure the stopping service set out in point 5.3.3 for passenger trains on payment of charge for stopping which diverges for station categories. The fee for stopping shall be charged for each stopping of passenger trains, inclusive of origin and destination stations.

Measure unit: HUF/train. For tariffs see table 6.3.2.1.

- *Use of origin/destination stations* (for long distance passenger trains, local passenger trains, empty and nostalgia trains)

Infrastructure manager shall ensure station services set out in point 5.3.3 for passenger and empty trains at origin and destination stations on payment of charge for the use of origin and destination stations in different station categories. This fee shall be charged in three station categories depending on the nature of services supplied on stations. This fee shall be charged both for the origin and the destination station of the train.

Measure unit: HUF/train. For tariffs see table 6.3.2.1.

Charge for access to stations for freight trains

- *Charge for the use of origin/destination station (for freight trains):*

Relating to the train path allocated, a tariff corresponding to the station category of the first/last station of the actual train path shall be charged in every case on broad and standard gauge networks equally. This fee shall be charged for the first/last station of a train running on the network, except trains (Ki) which serve a privately owned railway network. On a junction station of two infrastructure managers 15% of the charge for the use of an origin/destination station shall be charged for transit trains.

Measure unit: HUF/train. For tariffs see table 6.3.2.1.

- *Charge for the use of intermediate station (for freight trains):*

At an intermediate station in the event of

- detaching of wagons from trains,
- inserting of wagons into trains, ,
- reversing of the sequence of wagons (traction unit go-around),
- exchange of locomotive,

a tariff in accordance with the category of the stations shall be charged on broad and standard gauge network equally. Should more than one of the events mentioned above occur at an intermediate station at the same time, the fee of the use of the intermediate station shall be charged only once.

Measure unit: HUF/train. For tariffs see table 6.3.2.1..

- *Charge for the use of station for serving (for freight trains):*

For services set out in point 5.3.4, a tariff corresponding to the station category of the station concerned shall be charged on broad and standard gauge network equally. The fee shall be charged for each local wagon irrespective of the fact which organisation provides tools and staff for performing shunting services.

Measure unit: HUF/wagons. For tariffs see table 6.3.2.1.

Charge for access to marshalling yards

This charge is included in the charge for access to stations.

Charge for access to train formation facilities

This charge is included in the charge for access to stations.

Charge for the storage of vehicles:

Infrastructure manager shall charge a special fee for the storage of vehicles in compliance with provisions set out in point 5.3.7.

The first day when the fee shall be charged is the following calendar day when the 36 hour or 120 hour term expires, the last day when fee shall be charged is the calendar day of the last hour of storage.

Measure unit: HUF/vehicle/ day. For tariffs see table 6.3.2.1..

Charges of other supplementary services:

- *Ensuring access to wagon weigh bridges (only for freight trains):*
Measure unit: HUF/ wagon. For tariffs see table 6.3.2.1..
- *Handling of requests arising during the suspension of service interruption, service stoppage and during reduced operation (operation break):*

This service shall be provided on special order and charged in a measure unit of HUF/hour/person based on the order (or cancellation). The effective time used shall be charged but in the case of suspending the operation break in stations, a minimum performance of 12 hours/person, in the case of suspending of service stopping, a minimum performance of 7.6 hours/person shall be charged. Regarding the suspension of service interruption, if a 4-hour-long service interruption can not be ensured after using this service, the entire duration of time set out in Annex 3.5.1 but at least 4 hours/person shall be charged.

The charge of the service depends on, by how many working days in advance the use of the service was requested.

Types of the service:

- Suspension of services interruption I-II - ordering takes place at least 3 working days before the scheduled use of the service.,
- Suspension of service stoppage I - ordering takes place at least 8 working days before the scheduled use of the service,
- Suspension of service stoppage II - ordering takes place 3-7 days before the scheduled use of the service,
- Suspension of reduced operation (operation break in stations) - ordering takes place at least 8 working days before the scheduled use of the service,
- Suspension of reduced operation (operation break in stations) II - ordering takes 3-7 working days before the scheduled use of the service.

Should applicant cancel his request for services at least 7 working days before the use of the service, no fee shall be charged.

Should the applicant cancel his request for services within 7 working days before the use of the service, or fails to cancel the service, the fee will be charged in 100%.

Measure unit: HUF/hour/person.. For tariffs see tabée 6.3.2.1.

6.1.2.2 Charging principes for suplementary services provided on the network of GYSEV Co

Charge for the use of electrical supply equipment for traction current:

No special fee shall be charged for the use of the electrical supply equipment for traction current.

Charge for th use of refuelling facilities

No special fee shall be charged.

Charge for access to stations for passenger trains

- Use of station for stopping:

Infrastructure manager shall ensure the stopping service set out in point 5.3.3. for passenger trains on payment of the charge for stoping in different station categories. The fee for stopping shall be charged for each stopping of passenger trains, inclusive of origin and destination stations.

Measure unit: HUF/train. For tariffs see talbe 6.3.2.2.

- Use of origin/intermediate/destination stations

Infrastructure manager shall ensure station services set out in point 5.3.3 for passenger and empty trains on payment of charge for train handling. This fee shall be charged both for the origin and intermediate station, as well as for the destination station of the train.

Measure unit: HUF/train. For tariffs see table 6.3.2.2.

Charge for access to stations for freight trains

On payment of charge for train handling, Infrastructure manager shall ensure services set out in point 5.3.4 for freight trains This fee shall be charged also for the origin/intermediate/destination stations of freight trains.

Measure unit: HUF/train. For tariffs see table 6.3.2.2.

Charge for access to marshalling yards:

This charge is included in the charge for access to stations.

Charge for access to train formation facilities:

This charge is included in the charge for access to station.

Charge for storage of vehicles

The charge for storage of vehicles shall be charged for every 24 hour commenced.
Measure unit: HUF/ axle/day. For tariffs see table 6.3.2.2

Charges of other supplementary services

Ensuring access to wagon weigh bridges (only for freight wagons).

Charge for the access to the wagon weigh bridge does not include the charge for carrying out weighing.

Measure unit: HUF/wagon.. For tariffs see table 6.3.2.2.

6.1.3 Calculation of charges for supplementary services

See the provisions of point 6.1.2.

6.1.4 Calculation of charges for additional services

6.1.4.1 Charges for additional services provided on the network of MÁV Co

Charge for the supply of electrical traction current

MÁV Co shall inform authorised applicants in the Network Access Agreement about the single price - as an advising price - of the electrical traction current to be invoiced based on purchase agreements of MÁV Co on expectable electrical traction current. Invoicing of the counter value of the effectively used electrical traction current shall take place as provided in the Network Access Agreement.

Refuelling, purchasing of fuel for traction

Diesel oil shall be sold in accordance with regulation of MÁV Co on material sales.

Charge for the use of train serving facilities

No special fee is defined.

Charging for shunting

The use of the station shunting staff of the infrastructure manager and the charging of relevant shunting fees on standard and broad gauge network are equally compulsory, when railway undertaking performs the shunting movement by using the locomotive and loco staff of the infrastructure manager or of its own, or, due to the nature of the station and the service technology the shunting movement without the shunting staff of the given station is not allowed.

Should railway undertaking employ in a certain station shunting staff having a valid qualification for this certain station and carries out shunting with its own locomotive, no station shunting fee shall be charged. No shunting locomotive of the infrastructure manager may be ordered without station shunting staff of the infrastructure manager.

I Charges of shunting services for freight trains

A) Charges for shunting carried out by railway undertaking

a) Charges for shunting for serving purposes carried out by railway undertaking:

The charge is independent of station categories. It shall be charged in any case when the shunting of local wagons for serving purposes will be carried out with the use of shunting locomotive and driving staff of the railway undertaking but with the use of the station shunting staff of the infrastructure manager. This charge does not include the charge to be paid for (previous or follow-up) marshalling activities related to the serving.

If shunting for serving purposes will be carried out by the railway undertaking at service stations and in time defined in Annex 5.4.4, fee for shunting shall be charged. *Measure unit*: HUF/wagon. For tariffs see table 6.3.4.1.

When shunting for serving purposes will be carried out by the railway undertaking at service stations and in time other than defined in Annex 5.4.4, also the fee for ensuring the ad hoc availability of shunting staff of the infrastructure manager shall be charged additionally to the fee for shunting.

The charge for this service is dependent of the number of persons to be made available to provide this service and also of the date of ordering, i.e. how many days before the scheduled use of the service the ordering takes place. Types of services are as follows:

- Ensuring the ad hoc availability of shunting staff I/a - ordering takes place at least 8 working days prior to the scheduled use of the service without arrangement of additional staff,
- Ensuring the ad hoc availability of shunting staff I/b - ordering takes place at least 8 working days prior to the scheduled use of the service with arrangement of additional staff,
- Ensuring the ad hoc availability of shunting staff II/a - ordering takes place at least 3-7 working days prior to the scheduled use of the service without arrangement of additional staff,
- Ensuring the ad hoc availability of shunting staff II/b - ordering takes place at least 3-7 working days prior to the scheduled use of the service with arrangement of additional staff.

Process for charging a fee to be paid for ensuring the ad hoc availability of shunting staff is as follows:

- aa) the effectively used time shall be charged in the event of requests for medium term, individual and ad hoc train path if infrastructure manager can provide the requested service by using free capacity (without arrangement of additional staff).
- ab) the effectively used time but at least 6 (six) hours shall be charged if the requests for medium term, individual and ad hoc train path need the arrangement of additional staff and setting them to work.

Regarding invoicing, duration of the service begins when the shunting staff leaves the premises and terminates when they enter the premises, every hour commenced shall be considered as a round hour.

Should the applicant cancel the requested service within 1 (one) working day before using the service, he is obliged to pay to the infrastructure manager an availability charge of 6 (six) hours. If the applicant fails to cancel the service in a written form, the application-based fee shall be charged in a value of 100%.

Measure unit: HUF/wagon and HUF/person/hour. For tariffs see the table 6.3.4.1,

Infrastructure manager shall provide at service stations and in time defined in Annex 5.4.4 the shunting service which is necessary to access the wagon weigh bridge free of charge. At service stations and in times other than defined in Annex 5.4.4 fee for the shunting service necessary to access the wagon weigh bridge shall be charged as described in the previous paragraph.

b) Charge for shunting for marshalling purposes carried out by the railway undertaking:

The charge is independent of station categories. It shall be charged in any case when the shunting for marshalling purposes will be carried out with the use of the shunting locomotive and driving staff of the railway undertaking but with the use of the station shunting staff of the infrastructure manager. It must also be charged if marshalling movements are needed to detaching or inserting of wagons in origin/intermediate/destination stations of trains (e.g. detaching or inserting of (groups of) wagons standing not in the front or rear part of the train, changing the formation of train, etc.), and locomotive for these movement will be provided by the railway undertaking. If local wagons which used shunting for marshalling purposes will also be served, the fee of shunting for serving purposes shall be charged too.

If shunting for marshalling purposes will be carried out by the railway undertaking at service locations and in time defined in Annex 5.4.4, fee for shunting shall be charged. *Measure unit:* HUF/wagon. For tariffs see table 6.3.4.1.

When shunting for marshalling purposes will be carried out by the railway undertaking at service locations and in time other than defined in Annex 5.4.4, also the fee for ensuring the ad hoc availability of shunting staff of the infrastructure manager shall be charged additionally to the fee for shunting.

The charge for this service is dependent of the number of persons to be made available to provide this service and also of the date of ordering, i.e. how many days before the scheduled use of the service the ordering takes place. Types of services are as follows:

- Ensuring the ad hoc availability of shunting staff I/a - ordering takes place at least 8 working days prior to the scheduled use of the service without arrangement of additional staff,
- Ensuring the ad hoc availability of shunting staff I/b - ordering takes place at least 8 working days prior to the scheduled use of the service with arrangement of additional staff,

- Ensuring the ad hoc availability of shunting staff II/a - ordering takes place at least 3-7 working days prior to the scheduled use of the service without arrangement of additional staff,
- Ensuring the ad hoc availability of shunting staff II/b - ordering takes place at least 3-7 working days prior to the scheduled use of the service with arrangement of additional staff.

Process for charging a fee to be paid for ensuring the ad hoc availability of shunting staff is as follows:

- aa) the effectively used time shall be charged in the event of requests for medium term, individual and ad hoc train path if infrastructure manager can provide the requested service by using free capacity (without arrangement of additional staff).
- ab) the effectively used time but at least 6 (six) hours shall be charged if the requests for medium term, individual and ad hoc train path need the arrangement of additional staff and setting them to work.

Regarding invoicing, duration of the service begins when the shunting staff leaves the premises and terminates when they enter the premises, every hour commenced shall be considered as a round hour.

Should the applicant cancel the requested service within 1 (one) working day before using the service, he is obliged to pay to the infrastructure manager an availability charge of 6 (six) hours. If the applicant fails to cancel the service in a written form, the application-based fee shall be charged to a value of 100%.

Measure unit: HUF/wagon and HUF/person/hour. For tariffs see the table 6.3.4.1.

B) Charge for shunting carried out by the infrastructure manager

a) Charge for shunting for serving purposes:

The charge is independent of station categories. It shall be charged in any case when the shunting of local wagons for serving purposes will be carried out with the use of shunting locomotive, driving staff and the station shunting staff of the infrastructure manager. This charge does not include the charge to be paid for (previous or follow-up) marshalling activities related to the serving.

Measure unit: HUF/wagon. For tariffs see table 6.3.4.1.

b) Charge of shunting for marshalling purposes (detaching or inserting wagons):

The charge is independent of station categories. It shall be charged in any case when the shunting will be carried out with the use of the shunting locomotive, driving staff and the station shunting staff of the infrastructure manager. It must also be charged if marshalling movements are needed to detaching or inserting of wagons in origin/intermediate/destination stations of trains (e.g. detaching or inserting of (groups of) wagons standing not in the front or rear part of the train, changing the formation of train, etc.), and locomotive for these movement will be provided by the infrastructure manager. Should local wagons which used shunting for marshalling purposes also use shunting for serving purposes, the fee of shunting for serving purposes shall be charged too.

Measure unit: HUF/wagon. For tariffs see table 6.3.4.1.

II Charge of shunting services for passenger trains

Infrastructure manager shall provide the formation and detaching of passenger trains (inclusive of turn-around and reversing direction) at origin/intermediate/destination station free of charge.

Charge of additional service 'dangerous goods, exceptional consignments'

- 1) Charge for forwarding of wagons in train loaded with dangerous goods: Infrastructure manager shall not charge an additional service fee to the fee of running of trains for trains which forward wagons loaded with dangerous goods.
- 2) Charge for forwarding of exceptional consignments in normal train: Infrastructure manager shall not charge an additional service fee to the fee of running of train if trains forward wagons which are loaded with exceptional consignments.
- 3) Procedure at MÁV Co for applying, requesting of consignments which require exceptional, individual and special regulation, and the charges of these services can be found in Annex 6.1.4.1.

Charges of other additional services

- weighing (solely on broad gauge tracks at Eperjeske Marshalling yard)
 - interchange of axles (exchange of bogies),
 - use of bogies
- For tariffs see table 6.3.4.1.

6.1.4.2 Charges of additional services provided on the network of GYSEV Co

Charge for supply of traction energy

Traction energy consumed shall be defined by the multiplication of the average consumption value per unit typical of the type of the locomotive [kWh/100etkm] (which includes the loss of the mains) with the traction performance data (gross ton kilometre).

Refuelling, purchasing of fuel for traction and lubricant

Traction fuel and lubricant purchased shall be invoiced at daily price.

Charge for the use of service facilities for passenger trains (pre-heating, water supply, waste water handling)

Charge of the use of facilities can be seen in table 6.3.4.2.

Charge for shunting

Infrastructure manager shall ensure services defined in point 5.4.4.2 on payment of charge for shunting.

Charges of the shunting activities can be seen in table 6.3.4.2.

Charges of additional services 'dangerous goods, exceptional consignments'

- 1) Charge for forwarding of wagons in trains loaded with dangerous goods:
Infrastructure manager shall not charge an additional service fee to the fee of running of trains when trains forward wagons which are loaded with dangerous goods:
- 2) Charge for forwarding exceptional consignments in normal train:
Infrastructure manager shall not charge an additional service fee to the fee of running of train if trains forward wagons which are loaded with exceptional consignments.

Procedure at GYSEV Co for applying, requesting of consignments which require exceptional, individual and special regulation, and the charges of this service can be found in Annex 6.1.4.2.

Train acceptance activity (external train acceptance):

The service shall be provided upon request.

Infrastructure manager shall provide train acceptance activity at service locations and in times published in Annex 5.4.6.2 without charging additional fee.

6.1.5 Charging for ancillary services

6.1.5.1 Charges of ancillary services provided on the network of MÁV Co

MÁV Co Infrastructure Business Unit shall give information about ancillary services provided by MÁV Co.

6.1.5.2 Charges and services provided on the network of GYSEV Co

Technical inspection of vehicles

Charge of this service can be seen in table 6.3.5.2.

For information for charges of other ancillary services provided by GYSEV Co please contact GySEV Co Infrastructure Business Unit.

6.2 Charging system

The charging system applied by MÁV Co and GYSEV Co is a two-step system since the sum of network access charges arises from the addition of the network access basic charges and the charges for (supplementary, additional and ancillary) services used.

6.3 Charges

Rating of track sections and service locations into charge categories for certain services can be found in Annex 6.3.

6.3.1 Charges of basic services

6.3.1.1 Charges of basic services provided on the network of MÁV Co

Charges of basic services provided on the network of MÁV Co (charge of ensuring of train path)

Table 6.3.1.1-1

Charge for ensuring of train path (HUF/train path)	
Passenger trains	
a) Long distance train (A)	5 800
b) Local train (B)	5 000
c) Empty train, nostalgia train (C)	2 500
Freight trains (D)	6 300
loc train, staff train, loco test train and inspection train (E)	2 000

Charges of basic services provided on the network of MÁV Co (charge of running of trains)

Table 6.3.1.1-2

Charge of running of trains (HUF/train km)	Line section Category I	Line section Category II	Line section Category III
a) Passenger trains			
aa) Long distance train (A)	581	402	157
ab) Local train (B)	578	381	130
ac) Empty train, nostalgia train (C)	289	191	65
b) Freight trains (D)	587	359	199
c) Loco train, staff train, loco test train and inspection train (E)	240	240	240

6.3.1.2 Charges of basic services provided on the network of GYSEV Co

Charge of basic services provided on the network of GYSEV Co

Table 6.3.1.2

Denomination	Charge of ensuring of train path	Charge of running of trains (K)
	HUF/train	$K = \text{train km} * A + \text{gross ton km} * B$
Passenger train	795	A (HUF/train km) = 660 B (HUF/gross ton km) = 0,181
Freight train	795	
Loco train and-empty train	795	

6.3.2 Charges of supplementary services

6.3.2.1 Charges of supplementary services provided on the network of MÁV Co

Charges of supplementary services provided on the network of MÁV Co

Table 6.3.2.1

1. Charge for the use of catenary (HUF/electric train kilometre)	
Passenger trains	
a) Long distance train (A)	130
b) Local train (B)	130
c) Empty train, nostalgia train(C)	130
Freight train (D)	130
Loco train, staff train, loco test train and inspection train (E)	65

2. Charge for the use of stations for stopping (HUF/train)	
Passenger trains	
On stations of category I	3239
On stations of category II	1350
On stations of category III	540

3. Charge for the use of origin/destination stations (HUF/train)	
Passenger trains	
On stations of category I	6956
On stations of category II	2898
On stations of category III	1159

4. Charge for the use of origin/intermediate/destination stations (HUF/train)	
Freight trains	
On stations of category I	11725
On stations of category II	4885
On stations of category III	1954

5. Charge for the use of stations for serving (HUF/wagon)	
Freight trains	
On stations of category I	1866
On stations of category II	778
On stations of category III	311

6. Charge for the storage of vehicles (HUF/vehicle/day)	
Storage of vehicle out of order	100
Stable storage of vehicles in running order	250
Ad hoc storage of vehicles in running order	400

7. Charge for ensuring access to wagon weigh bridges (HUF/weighed wagons)	
Ensuring access to wagon weigh bridges	1650

8. Suspension of reduced network operation (operation break) (HUF/hour/person)	
I.	5000
II.	6000

9. Suspension of service stoppage (HUF/hour/person)	
I.	2500
II.	3500
III. I-II.	2000

6.3.2.2 Charges of supplementary services provided on the network of GYSEV

Charges of supplementary services provided on the network of GYSEV Co

Table 6.3.2.2

1. Charge for the use of stations for stopping (HUF/stoppage)	
Passenger trains	
On stations of category I	360
On stations of category II	240
On stations of category III	120
2. Charge for train handling (HUF/train)	
Passenger trains	3571
Freight trains	3571
3. Charge for the storage of vehicles (HUF/axle/day)	
Each day commenced	100
4. Charge for the access to wagons weigh bridges (HUF/wagon)	1736

6.3.3 Charge for supplementary services

See chapter 6.3.2.

6.3.4 Charge for additional services

6.3.4.1 Charges of additional services provided on the network of MÁV Co

Charges of additional services provided on the network of MÁV Co

Table 6.3.4.1

Denomination of services	HUF
1) Charge of shunting carried out by the infrastructure manager for serving/marshalling purposes(HUF/wagon) At service locations and in time defined in Annex 5.4.4	1130
2) Charge of shunting carried out by the railway undertaking for serving/marshalling purposes(HUF/wagon) At each station	533
3) Ensuring of ad hoc availability of shunting staff of the IM above that are defined in Annex 5.4.4 (HUF/person/hour)	
a) Ensuring of ad hoc availability of shunting staff I.	2000
b) Ensuring of ad hoc availability of shunting staff II.	3000
4) Weighing (HUF/wagon)	4000
5) Interchange of axles (for four-axle wagons)	
a) Goods rated in class RID 2.1.1.1	50000
b) Non dangerous goods	35000
6) Use of bogies (HUF/use of bogies/hour)	30

6.3.4.2 A Charges of additional services provided on the network of GYSEV Co

Charges of additional services provided on the network of GYSEV Co

Table 6.3.4.2

Denomination of the service	HUF
Charge for shunting (HUF/wagon)	1463

6.3.5 Charges of ancillary services

6.3.5.1 Charges of ancillary services provided on the network of MÁV Co

MÁV Co Infrastructure Business Unit shall give information about charges for ancillary services provided by MÁV Co.

6.3.5.2 Charges of ancillary services provided on the network of GYSEV Co.

Table 6.3.5.2

Denomination of the service	HUF
Charge for technical inspection of railway vehicles (HUF/vehicle)	612

6.4 Performance regime

In order to minimise network disruption and to improve the performance of the railway traffic, VPE shall define a performance regime the principle of which shall be the same for the entire railway network.

Elements of the performance regime relating to both the infrastructure manager and the authorised applicant are financial penalties levied on actions which disrupt the operation of the network, and bonuses which reward the better than planned performance. Financial penalties may unambiguously be connected with network disruptions caused by the infrastructure manager or one of the authorised applicants. Performance regime shall contain proportional elements both for infrastructure manager and authorised applicants.

VPE shall define the extent of the elements and conditions for the application of the performance regime in such a way that bonuses arising from the operation of the performance regime should be proportional to the expenditures of the operation of the regime, and the costs for identifying the reasons for disruption should not be higher than the penalty levied on causing the network disruption. Performance regime takes into account if the network capacity is used differently than requested, and favours those authorised applicants who in reality used the capacity with a punctuality which was better than the criterion of punctuality it prescribes. Financial bonuses and penalties based on the performance regime may be accounted within the financial accounting of the network access charges but

they shall not be involved in compensation for damages arisen from the network disruptions.

VPE shall evaluate with the involvement of the infrastructure manager, authorised applicants and the rail regulatory body for every timetable year the experiences drawn from the applied performance regime, particularly the effect on decreasing the network disturbances.

VPE shall determine rules of the performance regime for the timetable year commencing on the second Sunday of December 2010.

An element of the performance regime which is now in operation is the cancellation fee.

Train path cancellation on the network of MÁV Co and GYSEV Co

Railway undertaking shall pay a charge for cancellation of train path requested, allocated but not used, except cases set out in point 6.1.1. The charge for cancellation is a fee for reserving the network capacity for the applicant. Should no train run on the train path allocated, the applicant entitled to use the train path shall initiate the cancellation of the train at VPE.

The charge of cancellation shall be defined as a percentage of the basic charge depending on the date of the scheduled train run and the cancellation.

Before the scheduled run of the train	Charge to be paid (%)
up to 30 days	0
between 30 - 3 days	20
within 3 days	30
without cancellation	40

6.5 Charging system and/or changes to be expected in charges

Simultaneously with the Network Statement for the timetable year 2010/2011, also the Charging Document will also come into force which will comprise detailed calculations and data for calculations in order to define charges of the network access based on the Charging Methodology which was prepared by VPE by 31 August 2008 in accordance with the provisions of Decree No 83/2007 of GKM/PM.

Based on the principle of transparency, the establishment of the new charging structure unambiguously and verifiable defines connections between the costs and expenditures of services, disposes of their distribution to the smallest elements of the railway network and assigns performance indicators reflecting the ratio of certain costs and expenditures occurred in providing the given services.

In order to improve the efficiency of the system - in line with the performance regime to be established also by VPE - charges of cancellation, discounts, mark-ups, reimbursements covered by the charging system and the methodology for pricing shall be defined.

6.6 Invoicing arrangement

Basis of the invoicing is the train path allocation registered by VPE in the train path requesting informatic system. When invoicing, also fact data relating to the train-run shall be taken into consideration.

Infrastructure managers shall issue in compliance with the network access contract a balance account based on train paths effectively used in the given month, performances as well as invoices already been issued for the given month.

Counter value of the use of railway network not contained by the annual working timetable shall be invoiced to the railway undertakings by the infrastructure manager on the basis of train paths effectively used and performances in the month concerned.

Parties may otherwise agree in the Network Access Contract on the date of invoicing.

By acknowledging the invoice, railway undertaking incurs the obligation to pay the network access fee charged for the access to the railway network. Deadline for payment shall be set out in the Network Access Contract on condition that the deadline for payment may not be set for a period longer than 30 days. In the event of late payment, a default interest defined by the Civil Law shall apply.

Price of the fuel purchased in refuelling stations shall itemized be invoiced for every purchase.

In the invoice issued for the use of the railway network, charges for basic, supplementary, additional and ancillary services as well as discounts and mark-ups applied must be separated.

Invoices shall be comparable with the offers given by the capacity allocating body to railway undertaking based on the requests for train path.