

Consolidated version with modifications No1-11 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

List of modifications

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1 GENERAL INFORMATION

1.1 Introduction

1.1.1 Hungarian railway organisations

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

Railway organisations:

- a) Rail regulatory body: National Transport Authority, whose tasks and power are set out in Para 73 (1) of Act CLXXXIII of 2005 on railway transport (hereafter referred to as Railway Act).
- b) Infrastructure managing railway company (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 infrastructure managing company and integrated railway undertaking, respectively.
- c) Railway undertakings: undertakings which - based on their operational licence - perform commercial railway activities.
- 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) in accordance with Para 62 of Railway Act shall perform the following tasks:
 - da) allocation of capacity of the railway network
 - db) development of the Network Statement of the non independent infrastructure managing railway company
 - dc) determination of network access charges to be paid by authorised applicants,
 - dd) determination of the non-independent infrastructure managing railway company's access costs for access to the open access railway network it operates.

1.1.1.1.1 Rights and duties of VPE, Infrastructure Managers and authorised applicants

1.1.1.1.1 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 withdraw train paths on congested lines in harmony with section 4.6,
- b) to allocate railway network capacity and related services in harmony with priority rules detailed in section 4.4.3 without discrimination, following the path allocation schedule; to construct a working timetable,
- c) to make sure that authorised applicants have the necessary documents for use of the open access railway network,
- d) to inform the infrastructure managers in writing which authorised applicants are entitled to use the railway network,
- e) to send to the applicants for their remarks the draft of the timetable and/or services for the required train path and the planned charge calculation,
- 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) in the case of coinciding requests to offer a capacity other than the previously required one for authorised applicants after the coordination procedure,
- 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 of Railway Act,
- m) to revoke the right to use the allocated train path in the cases of suspension of a licence or using the train path below a threshold set out in section 4.6 of the Network Statement),
- n) to settle preliminary international train paths,
- o) to specify the most unused sections of the railway tracks,
- p) to determine 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 on its website the probable effect of maintenance, renewal and enhancement works, actualised in every month,
- s) to report quarterly to the rail regulatory body on the practice of the application and allocation of train paths,
- t) to sign a Framework Agreement with the approval of the rail regulatory body for requests longer than a year,
- u) to determine the amount of track access charges paid by authorised applicants,

- v) in the case of disputes, to initiate consultation between infrastructure managers and authorised applicants ,
- 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 to infrastructure managers for terminating congestion in the case of congested track sections,
- y) to construct the Network Statement and the proposals for its modifications after discussions with the concerned parties,
- z) to handle confidentially the information in its possession.

1.1.12 The most important rights and obligations of Infrastructure Managers

1.1.1.2 1. The most important rights of Infrastructure Managers:

- a) to carry out maintenance, renewal and enhancement works on the open access railway network, or have these works carried out by other companies, to reserve capacity and use the railway network 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 service trains in accordance with the capacity allocation of VPE.

1.1.1.2.2 The most important obligations of Infrastructure Managers:

- a) to operate open access railway network,
- b) after the allocation of train path by VPE, to sign a Network Access Contract with the authorised applicant, an internal agreement with the separated traction, freight or passenger units of the integrated railway company; 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) on sections of the railway network identified as congested, to draft capacity enhancement plan and to send it to the rail regulatory body and VPE, to report quarterly to the rail regulatory 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) on its website to publish technical instructions in connection with the use of the open access railway network as laid down in the regulations of the Network Statement on publishing and putting into force of instructions,
- g) to apply for rail capacity for the scheduled annual maintenance, renewal and enhancement works during the scheduling process of the annual working timetable,
- h) to apply for rail capacity at least 30 days earlier for the maintenance, renewal and enhancement works that cannot be scheduled during the period of drafting the annual working 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.

1.1.1.3 The most important rights and obligations of authorised applicants

1.1.1.3.1 The most important rights of authorised applicants:

- 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) in cases referred to in Section 1.4.3, to initiate a legal action at the rail regulatory body
- d) to procure information about the fulfilment of the required service,

1.1.1.3.2 The most important obligations of authorised applicants:

- 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) in the case of freight trains, to inform the Infrastructure Manager in a verifiable manner at least 30 minutes before the scheduled arrival of the train on a border station or a station where shunting of the train (detaching/inserting of wagons) is necessary, about the formation of the train, detaching/inserting of wagons, delay factors, and every other condition laid down in the Network Access Contract,
- d) in the case of departing freight trains and departing/arriving passenger trains, to inform - in a verifiable manner - the Infrastructure Manager about the formation of the train in accordance with the Network Access Contract at least 30 minutes before the scheduled departure of the train. If the train transports exceptional or dangerous goods, the Infrastructure Manager has to be informed at least 1 hour before the scheduled departure of the train. In the case of passenger trains, the Infrastructure Manager has to be informed 30 minutes before the departure of the train or before the scheduled arrival of the train at the border station, or in the case of difference in the formation of the ordered train, 1 hour earlier,
- e) to comply with 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 needed for running of trains , to provide data 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 track and its accessories, 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 authorised applicant 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.
- m) in international traffic - at the border station, at the latest - to receive/hand over of data and information necessary to run trains at the border station, at the latest.
- n) when loading, to keep the prescriptions of the Loading Rules of the International Union of Railways (UIC)
- o)

1.1.2 The duty of preparing the Network Statement

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

The Network Statement, whose structure and content meet national and international regulations, has to be published for authorised applicants, 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 Community's railways,
- Directive 95/18/EC on the licensing of railway undertakings,
- Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for use of railway infrastructure and safety certification,
- Directive 2004/49/EC on the safety on the Community's railways,
- Act CLXXXIII 2005 on railway transport,
- Governmental Decree No 268/2009 (XII.19.) on legal relationship between the Rail Capacity Allocation Body and a non-independent rail infrastructure manager,
- Decree of the Minister of Economy and Transport No 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 Minister of Economy and Transport 45/2006 (VII 11) on licensing of the operation of railway undertakings,
- Joint Decree of the Minister of Economy and Transport and the Ministry of Finance No 50/2007 (IV 26) on the separation of accounts of railway business segments within railway undertakings,
- Joint Decree of the Minister of Economy and Transport and the Minister of Finance No 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 Minister of Economy and Transport 101/2007 (XII 22) on detailed regulations of open access to railway network,
- Decree of the Minister of Transport, Communication and Rural Development 18/1998 (VII 3) on the publishing of the second volume of the National Railway Regulation,
- Governmental decree No 168/2010 (V.11) Korm. on the assignment of the nationwide main railway network, regional and other railway networks

1.3.1.2 Other relating regulations

- Commission Regulation (EC) No 62/2006 concerning the technical specification for interoperability relating to the telematic application for freight subsystem of the Trans-European conventional rail system,
- Directive 2001/12/EC amending Directive 91/440/EEC on the development of the Community's railways,
- Directive 2004/51/EC amending Directive 91/440/EEC on the development of the Community's railways,
- Directive 2007/58/EC amending Directive 91/440/EEC on the development of the Community's railways and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for use of railway infrastructure,
- Directive 2001/13/EC amending Directive 95/18/EC on the licensing of railway undertakings,

- Act CLXXXIV of 2005 on technical investigation of air, railway and water transport accidents and other events
- Act LXXVII of 2006 on publishing of the Protocol of 3 June 1999 - adopted in Vilnius - amending the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980 adopted in Bern
- Act LIX of 2009 on publishing the consolidated text - including amendments and complements of 2009 - to the Annex to Appendix C of the Protocol of 3 June 1999 of Vilnius amending the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980 of Bern
- Governmental Decree 170/2002 (VIII 7) on the publication of the International Railway Freight Agreement (SZMGSZ) and the published modifications of the agreement,
- Decree of the Ministry of Transport, Telecommunication and Energy No 10/2008 (VI.30.) KHEM on procedure and terms of paying the supervisory fee to the rail regulatory body
- 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 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,
- Governmental degree No 271/2009 (XII.1) on detailed conditions of passenger transport services carried out in accordance with national operation licence
- Governmental Decree No 32/2009 (II.19.) on detailed rules for contracts of railway transport of goods.

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 268/2009 (XII.1.) 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 rail regulatory body in accordance with Section 77, Subsection 1, of the Railway Act , or, in compliance with Section 77, Subsection (5) and (6) of the Railway Act, may directly go to court 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.
 - a) the Infrastructure Manager or VPE fails to fulfil any of its obligations set out in the Network Statement
 - b) any rules of the Network Statement contradicts the requirements of a non-discriminatory procedure
 - c) Charging Methodology contradicts the provisions of the Railway Act or related legal rules
 - d) charges, discounts and mark-ups mentioned in the Charging Document or Network Statement are determined not in accordance with provisions of the Railway Act or related legal rules, or Network Statement lays down charges other than determined by the Charging Document.
 - e) extent or structure of network access charges laid down in the Network Statement contradict provisions of related legal rules

- f) during the procedure of allocation of capacity to the railway infrastructure, a procedural offence is committed, or the result of the allocation process infringes law or is contradictory to regulations of the Network Statement.
- g) any of the parties violates the contract concluded for the open access to the railway infrastructure, or the determination of the amount of the network access charge to be paid for the use of the train path is carried out in a manner which breaks the law or is contradictory to the provisions of this Network Statement.

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. Chapter 1 General Information
 2. Chapter 2 Conditions for access
 3. Chapter 3 Infrastructure
 4. Chapter 4 Capacity allocation
 5. Chapter 5 Services
 6. Chapter 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 scope of Network Statement applies to the national standard and broad gauge open access railway networks (including the Hungarian network of Fertővidéki Helyi Érdekű Vasút Zrt) operated by non-independent 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 applicants, for the following reasons:

- authorised applicants entitled to use open access railway network and Infrastructure Managers responsible for maintenance, renewal and enhancement works, plan and submit to VPE their annual and annual late requests for the timetable year regulated by the Network Statement, aligned to the regulations of the Network Statement after the publishing of the it,
- VPE compiles the annual working timetable for the timetable year regulated in the Network Statement on the basis of 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

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)).

The procedural scheme of legally codified modifications of the Network Statement shall be differentiated between modifications defined by Para 59 Section (4) of Railway Act (up-to-date modifications) and modifications defined by Para 6 Section (1) of Decree No 101/2007. (XII.22.)GKM:

1.6.2.2 Procedural order of modifying Network Statement

1.6.2.1.1 Modifications defined by Para 6 Section (1) of Decree No 101/2007 (XII.22.) GKM

- a) modifications resulting from changes in the railway structure (railway structure means relationships set out by legal rules between railway organisations listed in point 1.1.1 of this Network Statement, exclusive of contractual agreements between these railway organisations),
- b) modifications occurring in the rules of capacity allocation of the open access railway network,
- c) modifications arising from changes in the technical or operational characteristics of the open access railway network affecting network access charges published
- d) quantitative or qualitative changes in open access services provided by the infrastructure manager, exclusive of changes in the technical or operational characteristics of the open access railway network, as well as
- e) changes in network access charges relating to the services provided by the infrastructure manager

Order of procedure

- a) 40 days before the publication of the modifications of the Network Statement VPE shall inform the rail regulatory body in writing if the revision of the elements of the charging system is necessary because of the modifications of the Network Statement.
- b) 30 days before the publication, VPE shall bring out the plan of modifications of the Network Statement on its website in order to present an opportunity for coordination; at the same time inform electronically the authorized applicants that have already applied for train path request and capacity allocation bodies of member states of EEA thereof s (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 bringing them out on the website; 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 rail regulatory 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).

1.6.2.2.2 Modifications defined by Para 59 Section (4) of Railway Act (up-to-date modifications)

- a) changes in the legal rules concerning the operation of the open access railway networks
- b) changes in the basic data of infrastructure managers, supervisory bodies, capacity allocation body,
- c) changes in the technical or operational characteristics of the open access railway network not affecting the network access charges published

Order of procedure

- 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 writing if it affects the conditions of use of services by authorised applicants which are provided and can be provided within the framework of the open access to the railway network.
- b) Depending on the nature of the change, VPE shall immediately enter the changes into the Network Statement if they affect the conditions of the use of infrastructure services of open access railway network; publish the modifications on its website and inform the authorised applicants of the modifications

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) Based on the agreement of the affected parties, VPE has unified the Network Statement of the railway network of MÁV Zrt and GYSEV Zrt (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 EEA countries give an opinion on the content. VPE shall inform electronically the authorised applicants and the capacity allocating bodies of the EEA 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 1/511-3205
Fax: +36 1/511-4709
E-mail: ertekesites.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.

Securing access to open access railway network is based on the request submitted in the proper format and with the described content by an authorised applicant 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 of application

Requirements of applying for capacity:

- Operating licence issued in accordance with Directive 95/18/EC (Point 2.2.3), as well as
- safety certificate issued by the rail transport authority.

2.2.2 Who is allowed to use the railway network ?

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

Authorised applicants are:

- a) railway undertakings registered in Hungary and hold a national operating licence
- b) railway undertaking founded abroad, under international contract or on a mutual basis
- c) railway undertaking for freight traffic founded in any other EEA country if holding an operating licence based on Directive 95/18/EC
- d) railway undertaking for international passenger traffic founded in any other EEA country if holding an operating licence based on Directive 95/18/EC

2.2.3 Operating 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.

Name and address of the rail regulatory body:

Name: National Transport Authority
Address: 1066 Budapest, Teréz krt. 62.
Phone: +36 1/815 9679
Fax: +36 1/511-4669815 9670
Website: www.nkh.hu

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

2.2.4 Safety certificate, complementary certificate, safety permission

Railway undertaking registered in Hungary can use the railway network only if holding a safety certificate issued by the railway transport authority. Management and operation of railway networks can be performed only if holding a safety permission issued by the transport authority. Safety certificates and safety permissions must be applied for under the process defined by the railway transport Authority.

Railway undertakings holding a safety certificate issued by any other EEA countries must procure an complementary certificate from the transport authority under the process defined by the transport authority

Name and address of the railway 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 authorised applicant.

2.2.5 Cover of liabilities

Parties must define any other insurances or guarantees that are necessary for the usage of open access railway network in the Track Access Contract.

2.3 The process of application for train path and services

The process of application for train path and services 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 authorised applicant 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 authorised third party.

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 Agreement

2.4.2.1 Access Contract

After checking the existence of documents prescribed, VPE allocates train path to the railway undertaking (services provided by the infrastructure manager in the framework of open access). After this, but 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 certificate/complementary safety certificate
- notice on capacity allocated in accordance with Railway Act Paragraph 64. (3)

The railway infrastructure cannot be used without an allocated train path (services) 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 the infrastructure 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 data of wagons
- h) payment conditions
- i) contact details both of the authorised applicant and the infrastructure manager
- j) regulation of forwarding of dangerous goods or extraordinary consignment
- k) agreements for other additional, supplementary or ancillary services
- l) if there is an agreement between the parties, the conditions of infrastructure activities that are executed by the personnel of the authorised applicant
- m) attached legal statement of the authorised applicant on the regular execution of the technical and rail safety examination of railway vehicles and trains,

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 Agreement

GYSEV Infrastructure Business Unit must settle an internal agreement 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 train path (services) allocated and a valid Internal Agreement. The Internal Agreement is worked out by VPE and the business units of the integrated railway company shall sign it and send it to the rail 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 and Transport.

2.5 Operational rules

2.5.1 The obligation of employing railway operational rules

Authorised applicants must observe the following operational rules applied by the given infrastructure manager:

- a) F.1. Rules of Signalling
- b) F.2. Operational Rules

- c) E.1. Rules for the personnel of the traction unit
- d) E.2. Rules on Brakes
- e) E.12. Technical Wagon service Rules
- f) Technical tables I-II
- g) E.101. General Rules for the electrified lines of MÁV
- h) H.6. Rules on handling of extraordinary consignment
- i) O.1. Educational Rules - Infrastructure Chapters (except if the railway undertaking has educational rules on his own approved by the transport authority)
- j) Execution Rules for stations - Infrastructure related parts
- k) Execution Rules of traffic regulation for line sections

The transport authority approves the rules from a) to i) 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 authorised applicants 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 on 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 and defined in the Network Access Contract must be employed while running a train on the network.

2.6 Exceptional Transport, test trains, Ro-La trains

2.6.1 Rules for running of trains transporting exceptional consignments

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 - Traffic Department Operation Centre

Address: 1087 Budapest, Kerepesi út 16.

Phone: +36 1/-313-6067

Fax: +36 1/511-1638

GYSEV Infrastructure Business Unit

Address: 9400 Sopron Mátyás király u. 19.

Phone: +36 99/517-213

Fax: +36 99/517-148

e-mail: bjabronka@gysev.hu

2.6.2. Rules for running of test trains

Running of test trains may cause extra difficulties as regards to railway equipments or wagons, so, forwarding of these trains can only be permitted under special technical and operational conditions. Regulation relating to test trains are issued by the infrastructure manager (Rule F2, Appendix 29).

MÁV Zrt Infrastructure Business Unit Traffic Department Operation Centre

Address: 1087 Budapest

Kerepesi út 16.

Phone: + 36 1/313 6067

Fax: + 36 1/511-1638

E-mail: sondertpr@mav.hu; ukrk@mav.hu

GYSEV Zrt Infrastructure Business Unit

Address: 9400 Sopron

Mátyás király u. 19.

Phone: + 36 99/517 213

Fax: + 36 99/517-148

e-mail: bjabronka@gysev.hu

2.6.3 Rules for running of Ro-La trains

Running of RoLa trains may cause extra difficulties as regards to railway equipments or wagons, so, forwarding of these trains can only be permitted under special technical and operational conditions. Prescriptions relating to the running of RoLa trains are regulated by F2. Operational Rules Appendix 33, Annex 3.3.1.1 of the Network Statement as well as Restrictions announced on the website of MÁV Zrt.

MÁV Zrt Infrastructure Business Unit Traffic Department Operation Centre

Address: 1087 Budapest

Phone: Kerepesi út 16.
+ 36 1/313 6067
Fax: + 36 1/511-1638
E-mail: sondertrp@mav.hu; ukrk@mav.hu

GYSEV Zrt Infrastructure Business Unit
Address: 9400 Sopron
Mátyás király u. 19.
Phone: + 36 99/517 213
Fax: + 36 99/517-148
e-mail: bjabronka@gysev.hu

2.7 Conditions for the running of trains which forward dangerous goods

Materials and objects are considered as dangerous goods which are qualified as dangerous goods by 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 SZMG SZ Agreement on International Goods Transport by Rail.

When applying for train path authorised applicants must inform the infrastructure manager if catastrophe level dangerous goods or RID consignment that has a high public security risk are to be forwarded, and must give information on the provided guidance of a train and security arrangements to be employed.

Organisational units of the infrastructure manager to be informed:

MÁV Infrastructure Business Unit - Traffic Department Operational Centre

Address: 1087 Budapest, Kerepesi út 16.

Phone: +36 1/313-6067

Fax: +36 1/511-1638

GYSEV Infrastructure Business Unit

Address: 9400 Sopron Mátyás király u. 19.

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 authorised applicant 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 authorised applicant is proven by the safety certificate's staff related part. This is to prove that the staff - in accordance with the decree No. 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 have passed all railway examinations prescribed and have medical certificates.

Authorised applicant may carry out shunting on its own only after passing the exam on O.1 Rules, having a valid foreman shunting examination in accordance with the rules for education of the authorised applicant, passing the Station Execution Rules (ÁVU) exam regarding knowledge of local relations, and after performing duty under supervision defined in the Appendix of Labour Protection Regulation relevant to the given service location.

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. 268/2009 (XII.01.) 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

The open access nationwide railway network operated by MÁV Zrt and GYSEV Zrt and the classification of railway lines (nationwide main railway network, regional and other railway networks) as well as the numbering of the railway 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 3.2.1-1.

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

The obligation of monitoring service on the open access railway network of MÁV Zrt and GYSEV Zrt can be found in Annex 3.2.1-2.

3.2.2 Connecting railway networks

Information relating to border crossings between the Republic of Hungary and the neighbouring states is comprised 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

All other information are obtainable at the infrastructure managers.

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.

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.

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 foreseeable temporary speed-restricted runs”.

3.3.2.5 Lengths of trains that may run on railway lines and service points

Lengths of trains that may run on railway lines can be seen in Annex 3.3.1.3.

Lengths of trains that may run in service points is determined in Annex 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..

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) Radio-based Traffic Control of Traffic control System on sidings (MERÁFI)
- e) e, Line supervised 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 employed

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 MERAFI (Traffic Control System 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, EÉVB
- INDUSI
- ETCS.

Railway lines outfitted with 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 nationwide railway network no specialised infrastructure is designated.

3.4.2 Environmental restrictions

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

3.4.3 Restrictions for forwarding of exceptional consignment and dangerous goods, as well as for running of test trains and Ro-La trains

Conditions of traffic restrictions relating to the forwarding of exceptional consignment, dangerous goods and to the running of test trains and Ro-La trains can be seen in subsections 2.6 and 2.7 of this Network Statement..

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

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) operation times on border station from traffic regulation point of view

Infrastructure Manager may introduce restrictions on certain service points from traffic regulation point of view. Operation times on border stations from traffic regulation point of view can be seen in Annex 3.2.2-1. Over the operation times, border stations listed and services provided there are available for authorised applicants.

- 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 can be found in Annex 3.5-2.

3.6 Technical, preparatory and passenger service facilities for passenger trains

Information related to the technical, preparatory and passenger service facilities for passenger trains in each service point of certain lines is listed in Annex 3.3.1.3.

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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.

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3.8. Service facilities

3.8.1 Passenger and freight train formation yards

Stations to be found in Annex 3.3.1.3 are at the same time passenger and freight train formation yards.

3.8.2 Access to loading sidings and loading areas

Loading places and sidings designated for loading regarding the infrastructure of MÁV Zrt are comprised in Annex 3.8.2 and regarding GYSEV Zrt in Annex 3.3.1.3-.

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 exchanging 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 authorised applicants 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 provided by the infrastructure managers on stations, service points, 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 may be requested at VPE by any authorised applicant which verifies in compliance with point 2.2 its entitlement to use the railway infrastructure.

Based on requests, VPE carries out capacity allocation in its train path application information technology system 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.

Authorised applicants entitled to provide railway passenger, freight transport services, or infrastructure operating services are only authorised to order train types as follows:

- holders of operation licence for rail passenger transport are entitled to order train types classified as trains of the passenger service and traction service listed in Annex 4.3-2,
- holders of an operation licence for rail freight transport are entitled to order train types classified as trains of the freight transport service and traction service listed in Annex 4.3-2.
- holders of an operation licence for traction service is entitled to order train types classified as train of the traction service listed in Annex 4.3-2
- holder of an operation licence for the operation of a rail infrastructure network are entitled to order train types classified as trains of the infrastructure operating company

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

Authorised applicants 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 authorised applicant 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 cooperating party shall be specified in the train path application submitted by the authorised applicant registered in Hungary.

4.3 Rules and deadlines of the capacity allocation process

Authorised applicants 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 electronically 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.

Authorised applicants licensed to access shall submit their annual, annual late, medium 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 authorised applicant use also privately owned railway tracks which are linked to the open access railway network through a connecting track, authorised applicant - when applies for capacity - must hold 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 authorised applicant 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 planned train run	Time needed for allocation
Medium-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 the rules of train path application, services referred to in Annex 3 points I-III of the Railway Act and published in Chapter 5 of this Network Statement, 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 the Network Statement.

Infrastructure Business Unit of MÁV Zrt receives the possible preliminary requests and questions regarding the possibility of the use of infrastructure services provided by the infrastructure manager from 00.00-24.00 hours and shall within 2 hours after receiving the request give preliminary answers to the authorised applicant on the possibility of using the infrastructure.

Regarding GYSEV Zrt, services referred to in Annex 3 points I-III of the Railway Act, shall be ordered in accordance with rules of train path application 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 as regards GYSEV Zrt. with the Infrastructure Business Unit Cabinet of GYSEV Zrt on the possibility to ensure services as follows:

- Storage of vehicles,
- Service interruption, suspension of service stoppage,
- Ensuring of access to the vehicle weigh bridges
- Ensuring of access to loading sidings, loading places,
- Train acceptance activity GYSEV Zrt.

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 non-independent infrastructure managers may initiate legal dispute process at the railway regulator body against decisions made by VPE in the matter of ensuring rail network capacity.

4.4.3 Congested track section

Congested track section

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 cannot 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 track section, VPE is entitled to withdraw train paths of authorised applicants which were used only in less than 60% over a period of 3 months, except cases when it happens for a reason which may be attributed to the authorised applicant.

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 the railway network.. 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, infrastructure manager shall submit its request for rail network capacity in a letter form or on fax using the application form set out in Annex 4.5.1. 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 cannot 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 cannot 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 bypass 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) Authorised applicant 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

4.6.1 Procedure if the allocated capacity was not used

In the case of congested track section, 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.

4.6.2 Cancellation rules, procedure if train path is not cancelled

Authorised applicant may cancel the applied and allocated train path or service at VPE in writing or through the train path applying informatics system of VPE.

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

4.7 Forwarding of exceptional consignment and dangerous goods, running of test trains and Ro-La trains

Procedure of applying for, ordering the transportation of exceptional consignments, individual consignments requiring special regulation, or running of test trains as well as charges of services can be seen as regards MAV Zrt in Annex 6.1.4.1, as regards GYSEV Zrt 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) Authorised applicants 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 of the infrastructure manager 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 unforeseeable, 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 authorised applicants - 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 temporally 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 another train path from free capacity available.

Infrastructure manager is obliged :

- a) to inform VPE, authorised applicants 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 Zrt can be seen in Regulation F.3 on the provision of operation control service and operative business unite control service.

Procedure to be comply with in the event of disturbances or emergency can be found regarding GySEV Zrt in the General Manager's Instruction No 7/2005 (on accidental, stand-by, inspection services and managerial tasks to be performed in case of events affecting safety in the Hungarian part of the territory of the Győr-Sopron-Ebenfurt Vasút Zrt.

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 authorised applicants shall take steps to cease the disturbance, emergency and to run the trains of the authorised applicant.

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 AUTHORISED APPLICANTS

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 (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 vehicles

5.3.3.1 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 on stations.

5.3.3.2 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 and use of station facilities (storage sidings, sidings designated for preheating, precooling, water supply, waste water emission of toilets) needed by passenger trains, empty trains and nostalgia trains for reversing direction
- in cases of shunting for marshalling purposes by the authorised applicant on its own, access to stations, traffic control required for shunting for marshalling purposes, as well as management of the infrastructure
- the service comprises the use of stations (service locations) for carrying out shunting by an authorised applicant on its own.

Shunting of vehicles, ensuring of traction current and water must be ordered extra for the access to station facilities.

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5.3.4 Services for freight trains and vehicles

5.3.4.1 Use of origin/intermediate/destination stations 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 trains and detached/inserted vehicles, including shunting facilities)),
- use of traffic activities at stations related to dispatching, receiving and shunting of trains (traffic control, traffic regulation), inclusive of traffic operation necessary to carry out shunting activity,
- tasks of the infrastructure manager to handle the journey report and its annexes

5.3.4.2 Use of stations by freight trains for 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, to tracks designated for using the service of storage of vehicles, tracks enabling access to freight terminals, as well as to technical and engineering equipments for serving purposes, and ensuring traffic operation activities necessary to access.

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 the ad hoc or - based on a preliminary agreement - the stable storage of vehicles beyond a certain time operated or forwarded by railway undertakings.

The service does not include the guarding and supervision of vehicles and the access to facilities next to the tracks.

This service comprises the storage of vehicles beyond 36 hours.

Relevant cases:

- making certain tracks as well as track sections available for vehicles out of order (for a period not longer than 1 year),
- making certain tracks and track sections steadily available for vehicles in running order (for a period from 30 days to 1 year)
- making certain tracks and track sections ad hoc available for vehicles in running order (for a period not longer than 30 days)

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.

5.3.8 Other supplementary services

5.3.8.1 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.)

5.3.8.2 Suspension of service interruption, service stoppage (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,.

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.

An authorised applicant is obliged to refund the cost of traction current consumed.

Infrastructure Business Unit of GYSEV Zrt provides this service until 31 January 2010.

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.

Infrastructure Business Unit of GYSEV Zrt provides this service until 31 January 2010.

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.

Infrastructure Business Unit of GYSEV Zrt. provides energy supply for preheating and precooling of trains until 31 January 2010.

5.4.4 Shunting

5.4.4.1. Shunting service on the rail network operated by MÁV Zrt.

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I. Shunting service related to the use of origin/destination stations by passenger trains

Relating to the use of origin and destination stations by passenger trains, Infrastructure manager shall provide the formation and splitting-up of trains in service locations and in working hours defined by Annex 5.4.4.1 if the request is submitted by meeting the deadline of annual and annual late path requests. Regarding formation, splitting-up and shunting of trains in service locations or working hours other than defined in Annex 5.4.4.1 and if the request is submitted after the deadline of annual and annual late requests, Infrastructure manager provides this services in accordance with point II .

II. Shunting service

Infrastructure Manager provides shunting service with its traction vehicle (inclusive of the staff of the traction vehicle) and/or with its shunting staff, in service places and working hours published in Annex 5.4.4.3. It is not possible to order a shunting locomotive from the infrastructure manager without ordering also the station shunting staff of the Infrastructure manager. For shunting services which are allocated together with the annual and annual late paths, Infrastructure Manager

provides shunting staff (also without requesting the service 'Ad hoc ensuring of shunting staff of the infrastructure Manager') in service places and working hours other than defined in Annex 5.4.4, but shunting locomotive provided by the Infrastructure Manager is available only in service places and in working hours defined in Annex 5.4.4.1.

Using the service 'Ensuring of station shunting staff of the Infrastructure Manager' is compulsory in cases if authorised applicants carry out shunting by using the traction unit of the infrastructure manager or its own one, and due to the nature of the station or the shunting technology, shunting without using the station shunting staff is not permitted, and authorised applicants do not have shunting staff holding an examination valid for the given station, or authorised applicant does not intend to employ its own staff to the given shunting activity.

Shunting carried out by the Infrastructure Manager

Infrastructure Manager provides the service 'Shunting carried out by the Infrastructure Manager' with the use of its shunting locomotive and shunting staff exclusively on service places and in working times published in Annex 5.4.4.1.

a) Shunting by the Infrastructure manager for serving purposes

This service contains the forwarding of vehicles/local wagons to their destination place - from delivery and loading point of view - to tracks to be used for loading purposes, to loading places, to the delivery points of the privately owned railway networks, to car wash, water supply, preheating/precooling equipments, railway vehicle weigh bridges, other train service facilities by using the shunting locomotive and shunting staff of the infrastructure manager.-This service does not include the possible coupling of vehicles necessary before or after the service (multiple-unit serving), shunting for marshalling purposes required to carry out detaching/inserting, shunting of vehicles (carried out by the infrastructure manager, railway undertaking or railway undertaking on its own.).

b) Shunting by the infrastructure Manager for marshalling purposes

This services comprises the inserting of vehicles/local or transit wagons in trains (formation of trains), detaching of vehicles/local or transit wagons (splitting up of trains) by using the shunting locomotive and shunting staff of the Infrastructure Manager. This service includes - before or after the serving of trains - the uncoupling/coupling of trains, in origin/intermediate/destination stations, the detaching of wagons from trains or inserting of wagons to trains. This service does not include shunting for serving purposes carried out by the Infrastructure Manager, railway undertaking or railway undertaking on its own). Should the serving of wagons in a train be carried out by using the shunting staff and shunting locomotive of the Infrastructure Manager not in one unit, the uncoupling/coupling of vehicles before and after the serving shall be considered as a shunting for

serving purposes. Also the arrangement for shunting and the completion of shunting for serving purposes carried out by the Infrastructure Manager shall be considered as shunting for marshalling purposes (e.g. detaching/inserting of wagons (wagons units) situated not at the head or the rear of the train, detaching/inserting of wagons).

Shunting carried out by the railway undertaking

In case of shunting carried out by the railway undertaking, shunting staff on service places and in working hours published in Annex 5.4.4.1 shall be provided by the Infrastructure Manager, the necessary shunting vehicle must be provided by the railway undertaking. On service places not included by Annex 5.4.4.1 and on service places and in working hours other than defined by Annex 5.4.4.1 in case of shunting by the railway undertaking allocated to it together with its annual or annual late paths for using this service Railway undertaking shall also order the 'Ad hoc availability of shunting staff of the Infrastructure Manager'

a) Shunting by the railway undertaking for serving purposes

This service contains the forwarding of vehicles/local wagons to their destination place - from delivery and loading point of view - to tracks to be used for loading purposes, to loading places, to the delivery points of the privately owned railway networks, to car wash, water supply, preheating/precooling equipments, railway vehicle weigh bridges, other train service facilities by using the shunting staff of the infrastructure manager and the shunting vehicle of the railway undertaking..-This service does not include the possible coupling of vehicles necessary before or after the service (multiple-unit serving), shunting for marshalling purposes required to carry out detaching/inserting, shunting of vehicles (carried out by the infrastructure manager, railway undertaking or railway undertaking on its own.).

b) This services comprises the inserting of vehicles/local or transit wagons in trains (formation of trains), detaching of vehicles/local or transit wagons (splitting up of trains) by using the shunting locomotive of the railway undertaking and shunting staff of the Infrastructure Manager. This service includes - before or after the serving of trains - also the uncoupling/coupling of trains, in origin/intermediate/destination stations, the detaching of wagons from trains or inserting of wagons to trains. This service does not include shunting for serving purposes (carried out by the Infrastructure Manager, railway undertaking or railway undertaking on its own). Should the serving of wagons in a train be carried out by using the shunting staff of the Infrastructure Manager but without ensuring the shunting locomotive of the Infrastructure Manager not in one unit, the uncoupling/coupling of vehicles before and after the serving shall be considered as a shunting for serving purposes. Also the arrangement for shunting and the completion of shunting

for serving purposes carried out by the Railway undertaking shall be considered as shunting for marshalling purposes (e.g. detaching/inserting of wagons (wagons units) situated not at the head or the rear of the train, detaching/inserting of wagons.

Shunting by the railway undertaking on its own

In case of shunting by the railway undertaking on its own, Infrastructure Manager shall only ensure the use of the railway infrastructure, the traction vehicle and shunting staff necessary for carrying out shunting shall be provided by the railway undertaking.

The followings are considered as shunting for serving purposes, thus they must extra be ordered:

- transport of vehicles to refuelling facilities
- shunting, forwarding of wagons (vehicles) to wagon weigh bridges

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 -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.
- d) Train acceptance activity (outdoor train acceptance) for freight trains
This service comprises the registration of data required for preparing the total weight report (VTK) of a departing train, 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.

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 the registration of data required for preparing the total weight report (VTK) of a departing train, 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.

5.5 Ancillary services

5.5.1 Ancillary services provided by MÁV Zrt

Infrastructure Businet Unit of MÁV Zrt does not provide any ancillary services listed by Annex 3 point IV of the Railway Act.

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 5.5.2.1. In places or above time frame published in Annex 5.5 2.1 GySEV Zrt provides this service upon special agreement.

5.5.2.2 Other ancillary services provided by GYSEV Zrt

5.5.2.2.1 Training, examining

This service comprises the training and examining activity carried out in premises of GySEV Zrt.

From accounting point of view, every hour commenced shall be considered as a whole hour.

5.5.2.2.2 Arrangement of trains

This service comprises:

- the Accepting of data required for preparing the total weigh report (VTK) of a departing train and delivery of these data to the informatics system of the Infrastructure Manager for registering them, as well as handling of the rear light. The informatics system prepares the summary of freight train data, as well as the calculation of braked weight.
- Labelling of railway vehicles
- Checking of dunnages, in lack of them or if they are damaged replacement of dunnages in accordance with provisions of CIT Handbook for Carriage of Goods in force.

GySEV Zrt. provides the use of this service on places and in working hours published in Annex 5.5.2.2.2. In service locations not included in the table, or above working hours published, GYSEV Zrt provides this service on special agreement.

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 authorised applicants 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)), authorised applicants 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 authorised applicants 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, charges can be seen in Tables 6.3.1.1 and 6.3.1.2.

Use of train paths concerning MÁV Zrt

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 occurred in the route and time data of the train path, in services ordered simultaneously with the train path and influencing the route and time data of the train path, as well as in basic data of train categories (Annex 4.3-2) which are part of train path allocation, require in accordance with legal provisions in force the cancellation of the path and a request for a new train path with modified parameters.

Should the train be late at departure, upon request of the authorised applicant the train can also start within a timeframe of 24 hours based on the originally allocated train path, and can run in the route as allocated in the train path if traffic conditions makes it possible.

Use of train path concerning GySEV Zrt

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 occurred in the route and time data of the train path, in services ordered simultaneously with the train path and influencing the route and time data of the train path, as well as in basic data of train categories (Annex 4.3-2) which are part of the train path allocation, require in accordance with legal provisions in force the cancellation of the path and a request for a 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/incoming 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,
- 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, 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 train be late at departure, upon request of the authorised applicant the train can also start within a timeframe of 24 hours based on the originally allocated train path, and can run in the route as allocated in the train path if traffic conditions makes it possible.

6.1.1.1 Calculation of charges for basic services provided on the network of MÁV Zrt

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 authorised applicant 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 an authorised applicant requests a train path from the train path catalogue, or it 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, authorised applicant 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 after that deadline for a train path which is not contained by the train path catalogue, 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, irrespectively 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 Zrt 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 Zrt 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 talbe 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 sation category of the first/last station of the actual trian 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 charges 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 fo vehicles:

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

The first day when the fee shall be charged is the following calendar day when the 36 hour or 120 hour termin 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:*

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 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.

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 principles for supplementary services provided on the network of GYSEV Zrt.

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 the 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 stopping 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 table 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.

Suspension of service interruption, service stoppage

This services is provided upon special request without levying extra charge.

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 Zrt

Charge for the supply of 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 Zrt 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 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 authorised applicant 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 for shunting for passenger trains

Infrastructure manager provides free of charge the formation and splitting-up of passenger trains (inclusive of turnaround and reversing direction) on origin/intermediate and destination stations.

II. 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 authorised applicant 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 authorised applicant at service stations and in time defined in Annex 5.4.4.1, 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 5.4.4.1 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 5.4.4.1 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 authorised applicant. 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 5.4.4.1, 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.

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 Zrt 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
- train acceptance activity (outdoor train acceptance) for freight trains: if the services is provided on special request, charge shall be determined in HUF/case measure unit.
For tariffs see table 6.3.4.1.

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

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)

This services is provided without charging any fee.

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 Zrt 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 Zrt

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

6.1.5.2 Charges and services provided on the network of GYSEV Zrt

Charge of ancillary services can be seen in table 6.3.5.2.

6.2 Charging system

The charging system applied by MÁV Zrt and GYSEV Zrt 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 Zrt

Charges of basic services provided on the network of MÁV Zrt (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
loco train, staff train, loco test train and inspection train (E)	2 000

Charges of basic services provided on the network of MÁV Zrt (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
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6.3.1.2 Charges of basic services provided on the network of GYSEV Zrt

Charge of basic services provided on the network of GYSEV Zrt

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 Zrt

Charges of supplementary services provided on the network of MÁV Zrt

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/stopping)	
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)	
<i>Freight trains</i>	
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)	
<i>Freight trains</i>	
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 service interruption, service stoppage (HUF/hour/person)	
Suspension of service stoppage I.	2500
Suspension of service stoppage II.	3500
Suspension of service interruption 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 Zrt

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 Zrt

Charges of additional services provided on the network of MÁV Zrt

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 5.4.4.1	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 5.4.4.1 (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/ bogie/hour)	30

7) Train acceptance activity (outdoor train acceptance) HUF/= case	2000
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6.3.4.2 A Charges of additional services provided on the network of GYSEV Zrt

Charges of additional services provided on the network of GYSEV Zrt

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 Zrt

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

6.3.5.2 Charges of ancillary services provided on the network of GYSEV Zrt

Table 6.3.5.2

Denomination of the service	HUF
Charge for technical inspection of railway vehicles (HUF/vehicle)	612
Training, examining (HUF/hour)	5000
Train arrangement (HUF/train)	4065

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 Zrt and GYSEV Zrt

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.

	Charge to be paid (%)
up to 5 days before the scheduled time of train departure	0
in a timeframe between 5 days and 24 hours before the scheduled time of train departure	1
Within 24 hours before the scheduled time of train departure	3
within 24 hours after the scheduled time of train departure (if the train has not started yet)	5
Without cancellation / beyond 24 hours after the scheduled time of train departure	100

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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 verifiably 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 informatics 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 authorised applicant 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, authorised applicant incurs the obligation to pay the network access fee charged for the services provided by the infrastructure manager within the framework of the open access. 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 the train path requests of the authorised applicants.