

Consolidated version with modifications No 1-30

# **NETWORK STATEMENT**

**ON TERMS AND CONDITIONS OF THE USE OF THE OPEN ACCESS RAILWAY  
NETWORK OF MÁV ZRT AND GYSEV ZRT**

**FOR THE TIMETABLE YEAR 2012/2013**

**EFFECTIVE: FROM 24:00 OF 8 DECEMBER 2012 TO 24:00 OF 14  
DECEMBER 2013**

## List of modifications

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| 17.          | Modification No 9A   | VPE/301-49/2012                     | 2 September 2012   |
| 18.          | Modification No 10   | VPE/ 301-41/2012                    | 8 September 2012   |
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| 23           | Modification No 13   | VPE/301-55/2012                     | 21 November 2012   |
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| 26           | Modification No 15   | VPE/301-65/2012                     | 19 December 2012   |
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| 29           | Modification 16A     | VPE/301-1/2013                      | 1 February 2013  |
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| 32           | Modification 17B     | VPE/301-15/2013                     | 1 April 2013   |
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| 38           | Modification No 20A  | VPE/301-12/2013                     | 8 May 2013   |

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| 43 | Modification No 21D | VPE/301-27/2013  | 7 June 2013        |
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| 53 | Modification No 23A | VPE/301-34/2013  | 6 July 2013        |
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| 58 | Modification No 26A | VPE/301-62/2013  | 14 August 2013     |
| 59 | Modification No 26B | VPE/301-64/2013  | 29 August 2013     |
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| 64 | Modification No 29A | VPE/301-71/2013  | 21 September 2013  |
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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) Railway companies managing national railway network (hereafter referred to as Infrastructure Managers): Tasks of the 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) - operating the open access national railway network as a non-independent railway company and an integrated railway company, respectively - are regulated in Para 2 Article (2) Point 2 of the Railway Act.
- c) Railway undertakings: undertakings which - based on their operational licence - perform commercial railway activities whose tasks are regulated by Para 2 Article (2) Point 3 of the Railway Act.
- d) Rail Capacity Allocating Body: since MÁV Zrt and GYSEV Zrt in their roles as Infrastructure Managers operate the railway network as non-independent and integrated companies, VPE Vasúti Pályakapacitás-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 the Charging Methodology and Charging Document, and determination of network access charges to be paid by Railway Undertakings, as well as
  - dd) determination of the costs of the non-independent infrastructure managing railway company for the access to the open access railway network it operates.

#### ***1.1.1.1 Rights and duties of VPE, Infrastructure Managers and Railway Undertakings exercised towards each other***

##### **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 of the Infrastructure Manager provided within the open access to the railway network in harmony with priority rules detailed in section 4.4.3 without discrimination, following the path allocation schedule; to construct the annual working timetable,
- c) to make sure that Railway Undertakings have the necessary documents for use of the open access railway network, and authorised applicants have the necessary documents for reservation,
- d) to inform the infrastructure managers in writing which Railway Undertakings are entitled to use the railway network, immediately after receiving the request for the services of the Infrastructure Manager submitted for the railway network within open access,
- e) to construct and update the Charging Methodology (hereafter referred to as DM)
- f) to construct and update the Charging Document (hereafter referred to as DD),
- g) to offer another train path for the applicant's request if the infrastructure manager revokes the train path because of an emergency as laid down in Paragraph 31 Section 2 Point b of Railway Act,
- h) to revoke the right to use the allocated train path in the cases of using the train path below a threshold set out in section 4.6 of the Network Statement),
- i) to settle preliminary international train paths,
- j) to specify the considerably underutilised sections of railway tracks,
- k) to designate specialized infrastructure,
- l) to report quarterly to the rail regulatory body on the practice of applying for and allocation of train paths,
- m) to determine the amount of track access charges paid by Railway Undertakings,
- n) in case of disputes to initiate coordination between Railway Undertaking and infrastructure manager,
- o) to construct the Network Statement and the proposals for its modifications after discussions with the concerned parties,
- p) to handle confidentially the information in its possession.

#### **1.1.1.1.2 The most important rights and obligations of Infrastructure Managers**

##### **The most important rights of Infrastructure Managers:**

- a) to revoke the allocated train path in the case of an emergency (Paragraph 31 Section 2 point b of Railway Act)
- b) to run service trains in accordance with the capacity allocation of VPE.

##### **The most important obligations of Infrastructure Managers:**

- a) to operate open access railway network,

- b) 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,
- c) on its website, to provide continuous, up-to-date information site about capacity restriction arising out of an emergency,
- d) to inform directly VPE and the involved Railway Undertakings about any event in connection with allocated capacity,
- e) to give the required information to VPE for the development and modification of the Network Statement, the Charging Methodology, and the Charging Document,
- f) to maintain the base data files of the infrastructure, and to inform VPE of the changes in them,
- g) in the case of exceptional events to inform VPE, Railway Undertakings thereof,
- h) to take the necessary steps to remove disturbances, emergency,
- i) to handle confidentially the business information obtained,
- j) to provide services set out in the Network Statement for Railway Undertakings.
- k) to keep the infrastructure in a condition which meets the requirements of safe running while ensuring allocated capacity.

#### **1.1.1.1.3 The most important rights and obligations of Railway Undertakings**

##### **The most important rights of Railway Undertakings:**

- a) to submit a request for train path or services provided by the infrastructure manager within the open access to the railway network; to run trains in compliance with 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 dispute at the rail regulatory body.

##### **The most important obligations of Railway Undertakings:**

- a) to inform VPE without delay or at least within 5 days after the change takes place about the changes in the conditions of application for services provided by the Infrastructure Manager within the open access to the railway network,
- b) in the case of passenger trains, to inform the Infrastructure Manager as it is laid down in the Network Access Contract at least 30 minutes before the scheduled departure of the train from the origin station or from station where detaching/inserting of wagons takes place, about the composition of the train,
- c) in the case of freight trains arriving at border stations, or departing from origin stations or from such a station where the composition of the train has changed,, to inform the Infrastructure Manager (electronically, through the IT system of the Infrastructure Manager) at least 30 minutes before the arrival/departure of the train about the composition of the train, if appropriate, also about data of exceptional consignment,k dangerous goods and about all further data laid down in the Network Access Contractto comply with the orders and regulations given by the Infrastructure Manager in connection with traffic control,

- d) to keep instructions and regulations in connection with operation of trains given by the Infrastructure Manager
- e) to employ staff and other contributors who meet the national and international regulations on railway safety, can speak and write Hungarian, and have the required special knowledge and qualifications,
- f) to pay on schedule the network access charges for the use of the railway track and its accessories and charges for the use of services,
- g) to contribute to removing obstacles causing disturbance at the expense of the Infrastructure Manager if the Infrastructure Manager asks for help in cases defined by the Railway Act,
- h) to report any exceptional event without delay to the Infrastructure Manager during the running of the train,
- i) to examine or to contribute in the examination of any exceptional event in connection with its own train, to provide for technical or chemical rescue,
- j) to contribute to remove emergency against charging of justified costs,
- k) in the case of exceptional event to tolerate disturbances emerged in railway traffic,
- l) to hand over/take over data, information - at border stations at the latest - necessary to run trains in international traffic,
- m) to meet UIC loading rules
- n) for the sake of managing the railway infrastructure network, to keep the documents as defined in the instructions of 2.4.1.

#### **1.1.2 Duty of preparing Network Statement**

The Network Statement, whose structure and content meet national and international regulations, has to be published for Railway Undertakings, 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 use of basic, supplementary, additional and ancillary services. In harmony with Section 59 Subsection 1 of Railway Act, Network Statement shall contain:

- general business conditions for ensuring the railway network capacity,
- components of the charging system, and detailed conditions of their implementation,
- detailed conditions for the railway network capacity allocation, including the rules of the coordination procedure, and
- operational and technical specifications for the railway network.

Network Statement serves planning objectives in the following timetable year of its publication for both VPE and Railway Undertakings, for the following reasons:

- after the publication of the given Network Statement, Railway Undertakings and infrastructure managers carrying out maintenance, renewal and

enhancement works to the railway network, shall plan and submit to VPE their annual and annual late requests for the capacity of the railway network and services for the timetable year referred to in the published Network Statement in compliance with rules prescribed in the Network Statement.

- Based on requests submitted in accordance with the above provisions, VPE shall compile the annual working timetable for the timetable year referred to in the Network Statement.

## 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 2012/34/EU on establishing a single European railway area (recast),
- Directive 2004/49/EC on the safety on the Community's railways,
- Regulation (EU) No 913/2010 (22 September) concerning a European rail network for competitive freight,
- Act CLXXXIII 2005 on railway transport,
- Governmental Decree No 268/2009 (XII.01.) Korm 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) GKM 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) GKM 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) GKM-PM on the separation of accounts of railway business segments within the railway company,
- Governmental Decree 263/2006 (XII 20) on the National Transport Authority,
- Joint Decree of the Minister of Economy and Transport and the Minister of Finance No 83/2007 (X 6) GKM-PM on frameworks of the network access charging system, and basic regulations of determination and implementation of network access charges,
- Decree of the Minister of Economy and Transport No 101/2007 (XII 22) GKM on detailed rules of open access to railway network,
- Decree of the Minister of Transport, Communication and Rural Development 18/1998 (VII 3) KHVM on the issuing 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,
- Decree of the Ministry of Transport, Communication, and Energy No 15/2010. (III.5.) on unified coordination procedure of public passenger timetables.

**1.3.1.2 Other relating regulations**

- Commission Regulation (EC) No 62/2006 concerning the technical specification for interoperability relating to the telematic applications for freight subsystem of the Trans-European conventional rail system,
- 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,
- 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 LXXX of 2011 on publishing the consolidated text of the Appendix C of the Protocol of 3 June 1999 of Vilnius with amendments and complements from 2011 amending the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980 of Bern
- Act XXXVII of 2011 on the publication of the consolidated text of the International Railway Freight Agreement (SZMGSZ) and its Annexes with modifications and complements ,
- Governmental Decree 8/2006 (I 13) on the detailed regulation of the application and extent of the penalty levied by market surveillance,
- Governmental Decree No 85/2007 (IV.25.) on travelling allowances in the 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 National Development 31/2010 (XII.23.) on licensing of operation, periodic testing and official registry of rail vehicles,
- Decree of the Ministry of National Development 19/2011 (V 10) on the rules of vocational training, examination of employees performing safety relevant activity in railway transportation, on the rules of operating railway examination centres and training institutions, issuing of licences for training, and on the rules of railway engine-drivers' skills,
- Decree of the Ministry of Economy and Transport 103/2003 (XII 27) on mutual interoperability of traditional railway systems,
- Decree of the Ministry of National Development 24/2012. (V.8.) NFM on detailed regulations of technical investigation of serious railway accidents, railway accidents and unexpected railway events, as well as on detailed rules of operators' examination
- Decree of the Ministry of National Development 30/2010 (XII. 23.) NFM on interoperability of the 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 Transport, Communication, and Energy No 9/2008 (VI 30) KHEM on administrative service charges paid for the railway regulatory body for railway administrative proceedings,



- Governmental Decree No 271/2009 (XII.1.) on detailed conditions of passenger transport services carried out in accordance with national operation licence,
- Decree of the Ministry of Transport, Communication and Energy No 10/2008 on the modes and conditions of the payment of the supervisory fee to be paid to the rail regulatory body
- Governmental Decree No 32/2009 (II.19.) on detailed rules for contracts of railway transport of goods.
- Governmental Decree No 6/2010 (I. 21.) on ensuring a compulsory coverage ability of railway companies for the compensation of damages resulting from other than railway accidents
- Act LIII of 1995 on general rules of environment protection
- Act LIII of 1996 on the protection of nature
- Act CXXIX of 2007 on protection of soil
- Act XXXVI of 2007 on electricity
- Act CXXVII of 2003 on the excise tax and excise rules in the marketing of products
- Act CLXXXV of 2012 on waste
- Governmental Decree No 284/2007 (X.29.) on detailed rules of protection against environmental noise and vibration
- Governmental Decree No 306/2010 (XII.23.) on air protection,
- Governmental Decree No 346/2008 (XII.30.) on protection of arborescent vegetation
- Governmental Decree No 312/2011 (XII.23.) on controlling of inland waterway and railway transportation of dangerous goods in the course of procedures carried out by professional disaster recovery organs and on rules of a unique procedure for levying of fines, on the amount of fines that might be levied for certain infringements, as well as on detailed rules of authority tasks relating to levying a fine.

## **1.4 Legal status of Network Statement**

### **1.4.1 Binding character of the Network Statement**

The rules laid down in the Network Statement apply equally to the Infrastructure Manager, to Railway Undertakings using services which are 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 the content of the Network Statement**

VPE as the complier of the Network Statement is liable for ensuring compliance with international and national laws, and for keeping information accurate and up-to-date. Non independent railway company is liable for data it delivers pursuant to Section 62(4) 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

An organisation authorised to open access or a non-independent infrastructure managing company 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:

- a) the Infrastructure Manager or VPE fails to fulfil any of their obligations set out in the Network Statement
- b) any rules of the Network Statement are contradictory to the requirements of a non-discriminatory procedure,
- c) Charging Methodology is contradictory to 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) In the course of allocating of the railway network capacity, a procedural offence has been committed, or, the result of the procedure infringes law, or it is contradictory to the provisions of the Network Statement.
- f) during the treatment of an ad hoc request for ensuring of railway network capacity, a procedural offence has been committed, or the result of the allocation process infringes law or is contradictory to provisions 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 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 Use of the open access railway network
  3. Chapter 3 Infrastructure
  4. Chapter 4 Capacity allocation
  5. Chapter 5 Services provided for railway undertakings
  6. Chapter 6 Charges
- Annexes



## 1.6 Validity and updating of Network Statement

### 1.6.1 Validity of Network Statement

This Network Statement is valid from 24:00 of 8 December 2012 to 24:00 of 14 December 2013.

The geographic scope of Network Statement applies to the open access railway networks operated by non-independent railway companies (MÁV Zrt and GySEV Zrt), (including the Hungarian network of Fertővidéki Helyi Érdekű Vasút Zrt).

### 1.6.2 Updating of Network Statement

#### 1.6.2.1 *Obligation of updating the Network Statement*

Network Statement shall be kept updated, modified as necessary (Section 3, Subsection 3 Directive 2001/14/EC; Para 59, Section 4 of the Railway Act; Section 6, Decree of the Ministry of Economy and Transport No 101/2007 (XII.22.)).

VPE is obliged to record all modifications with the date of their entry into force into the "List of Modifications" which forms an inseparable part of the Network Statement (Para 6 Section (3) of the Decree No 101/2007 (XII.22.)GKM).

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 the Decree No 101/2007 (XII.22.)GKM.

#### 1.6.2.2 *Procedural orders of modifying the Network Statement*

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

- a) modifications resulting from changes in the railway structure, changes in the rules and deadlines of the rail capacity allocation process of the open access railway network,
- b) modifications arising from changes in the technical or operational characteristics of the open access railway network affecting network access charges published
- c) 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
- d) changes in network access charges relating to the services provided by the infrastructure manager

#### Order of procedure

- 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.

- 30 days before the publication, VPE shall bring out the draft of modifications of the Network Statement on its website in order to present an opportunity for coordination; at the same time inform thereof electronically the authorized applicants that have already applied for train path and capacity allocation bodies of member states of EEA (Decree of the Ministry of Economy and Transport No 101/2007 (XII 22) Para 6, section 1).
- Parties concerned can make remarks on the draft modification within 10 days after bringing them out on the website; VPE will deliberate those remarks during the finalisation of the modification (Decree of the Ministry of Economy and Transport No 101/2007 (XII 22) Para 6, section 1).
- VPE publishes the modification finalised in the above mentioned way on its website, indicates the date of its entering into force, and at the same time sends it to the rail regulatory body (Para 59, section 4 of Railway Act; Para 7 of Decree of the Ministry of Economy and Transport No 101/2007 (XII 22)).
- Modifications of the Network Statement affecting charges of services provided by the Infrastructure Manager, applied discounts, surcharges, compensatory allowances, or modifications resulting from the revocation of certain railway track sections from operation - in case of national railway network with the approval of the Minister responsible for transport - shall be published 3 months prior to their entering into force. (Para 6, section 2 of Decree of the Ministry of Economy and Transport No 101/2007 (XII 22)).

#### **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**

- 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 immediately inform VPE, properly documented, both electronically and in writing if changes affect the conditions of use by Railway Undertakings of services which are provided within the framework of the open access to the railway network.
- VPE shall enter the changes into the Network Statement by the first day of every month if changes affect the conditions of the use of infrastructure services of open access railway network, and VPE shall publish the

modifications on its website and inform the Railway Undertakings of the modifications by electronic means.

## **1.7 Compiling and publishing of Network Statement**

### **1.7.1 Compiling the draft of Network Statement**

Every year VPE shall compile the draft of the Network Statement which enters into force two years after the given year, 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 No 101/2007 (XII 22) Para 5).

Based on the agreement between 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 No 101/2007 (XII 22) Para 5, section 6).

### **1.7.2 Feedback, finalisation of the draft of Network Statement, publication**

30 days prior to the publishing of the finalised Network Statement VPE shall issue the draft Network Statement on its website in order to make possible that Railway Undertakings and the capacity allocating bodies of the EEA countries give their opinion on the content. VPE shall inform electronically the Railway Undertakings and the capacity allocating bodies of the EEA countries on the fact of issuing of the draft Network Statement without delay. (para 59, section 2 of Railway Act; para 5, section 1 of Decree of the Ministry of Economy and Transport No 101/2007 (XII 22)).

Affected parties shall make remarks within 10 days after the issuing of the Network Statement. The rail regulatory body shall be informed of the received comments and every circumstance in connection with harmonizing. (Railway Act, para 59, section 2; Decree of the Ministry of Economy and Transport No 101/2007 (XII 22) Para 5, section 1)

At least 4 months before the deadline of submitting of the annual train path requests for the given timetable year - not later than the second Saturday of December - VPE shall publish on its website ([www.vpe.hu](http://www.vpe.hu)) the Network Statement related to the same timetable year, and shall make the Network Statement available to be purchased in printed form for the cost of its publication (Directive 2001/14/EC Article 3(1,4), Railway Act Para 59, section 3; Decree of the Ministry of Economy and Transport No 101/2007 (XII 22) Para 5, section 2).

VPE shall send the finalized Network Statement to the rail regulatory body at the same time the Network Statement enters into force. (Decree of the Ministry of Economy and Transport No 101/2007 (XII 22) Par 7)

## 1.8 Contacts

### *Rail Capacity Allocation Office*

**Address:** H-1054 Budapest, Bajcsy Zsilinszky út 48.  
**Telephone:** +36 1/301-9925, +36 301-9926  
**Railway tel. network** 01-72-64  
01-72-20  
**Fax:** +36 1/269-0631

**E-mail:** [oss@vpe.hu](mailto:oss@vpe.hu)  
**Website:** [www.vpe.hu](http://www.vpe.hu)

### *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](mailto:office@nkh.gov.hu)  
**Website:** [www.nkh.hu](http://www.nkh.hu)

### *MÁV Magyar Államvasutak Zártkörűen működő Részvénytársaság (MÁV Hungarian State Railways Ltd.)*

**Address:** H-1087 Budapest, Könyves Kálmán krt. 54-60.  
**Telephone:** +36 1/511-4801  
**Fax:** +36 1/511-3307  
**E-mail:** [erteakesites.palyavasut@mav.hu](mailto:erteakesites.palyavasut@mav.hu)  
**Website:** <http://www.mav.hu/szolgalatasok/palyakapacitas.php>

### *Győr-Sopron-Ebenfurti Vasút Zártkörűen Működő Részvénytársaság (GYSEV Ltd.)*

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

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

## 1.9 Rail Net Europe - international co-operation between Infrastructure Managers

Rail Net Europe - International cooperation between infrastructure managers

“In 2004, a number of European railway Infrastructure Managers and Allocation Bodies established a common organisation to tackle operational issues in the field of international rail: RailNetEurope (RNE). With a co-ordinating Joint Office based in Vienna, RailNetEurope represents its members as an Association for Facilitating International Traffic on the European Rail Infrastructure.

Together, the members of RailNetEurope are harmonising conditions and introducing coordinated approaches to promote the European rail business from the rail infrastructure point of view and to the benefit of the entire rail industry.

RailNetEurope counts 38 members. All in all RNE partners serve a network of around 244 000 kilometres of railway infrastructure. The Infrastructure Managers involved in RNE are working with in excess of 140 Railway Undertakings dealing with international business in Europe.

The main objective of RailNetEurope is to develop and improve the international railway business. To achieve this, RNE focuses on the entire rail infrastructure production process; this includes harmonising the members' medium and long-term planning, timetabling, marketing sales, and operations, as well as after-sales services, such as monitoring and reporting."

#### **1.9.1. One Stop Shop (OSS)**

"The European railway Infrastructure Managers (IMs) and Allocation Bodies (Abs) who joined RailNetEurope have set up Ones Stop Shops that work as a network of customer contact points under the RNE umbrella. When applying for an international path costumers only need to contact one of these Ones Stop Shops, which initiates the whole international path co-ordination process.

The contacted OSS in close co-operation with the concerned IMs:

- offers the customer support and information on the product and service range of the Infrastructure Manager;
- supplies the information required to gain access to the infrastructure of any Infrastructure Manager participating in RNE;
- coordinates requests for any international train path within RNE, including requests for the next timetabling period, so that they can be duly taken into account in the annual timetabling process;
- provides train path offers for the whole international journey; the path coordination is mainly performed via the RNE Path Coordination System.

Each One Stop Shop is part of an international network designed to make network access for customers as simple as possible. The OSS also provides information on infrastructure charges and train movements, including quality monitoring.

The functions are supported by RNE's information tools such as the Charging Information System and Train Information System. The OSS philosophy stands for competent and efficient assistance across all borders based on transparent, confidential and non-discriminatory procedures.

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

<http://www.rne.eu> .

#### **1.9.2 RNE Tools**

##### **1.9.2.1 PATH COORDINATION SYSTEM (RNE PCS)**

"RNE PCS is an online software toll available to all Railway Undertakings and Infrastructure Mangers. The IMs have agreed that all international train paths (both passenger and freight) will be defined by means of this tool.

RNE PCS facilitates the path ordering communication and coordination processes within all phases of international timetabling. RNE PCS fully reflects the

international process for the preparation of the annual and the running timetable. The tool also enables RUs to submit path studies in order to prepare their future international path requests. “PCS Process Guidelines” which clearly define roles and responsibilities, are published at the end of every calendar year.

For more information, please visit the website: [www.rne.eu](http://www.rne.eu)

#### **1.9.2.2 CHARGING INFORMATION SYSTEM (RNE CIS)**

RNE CIS is RNE’s international access charge estimation tool designed to provide customers with pricing information. A web-based umbrella system for the various national rail infrastructure charging systems, it can calculate the price for the use of international train paths within seconds, 24 hours a day - including charges for train paths, station fees and shunting fees. The current objective of RNE CIS’s development is to align the information provided by RNE CIS with information in the Network Statements.

For more information please visit the website at <http://www.rne.eu> .

#### **1.9.2.3 TRAIN INFORMATION SYSTEM (RNE TIS)**

RNE TIS is an easy-to-use, web-based application which visualizes international trains from origin to destination. It supports international train management by delivering data concerning international passenger and freight trains along RNE corridors - RNE TIS does not deal with national train services.

RNE TIS delivers real-time train data directly to the users via internet and generates reports based on historical data. The two EUROPTIRAILS Products are based on the same raw data:

- the real-time train information register gathers, centralizes and publishes information on train running on most of the RNE rail corridors (in a growing number of countries, incl. Austria, Belgium, France, Germany, Hungary, Italy, Luxembourg, the Netherlands, Slovenia and Switzerland), such as:
  - current and previous stayings of trains
  - agreed daily timetable information
  - delay information + reasons for delay
- the reporting function enables the monitoring of train and delay information over a given period of time.

RNE TIS was chosen as supporting tool for the European Performance Regime (EPR) - a joint RNE/UIC project.

For more information please visit the website <http://www.rne.eu> .

### **1.10 Glossary of definitions used in Network Statement**

For the list and definition of the main notions used in 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 Conditions of requesting basic, supplementary, additional and ancillary services**

According to Railway Act Paragraph 62 (2) b), VPE defines detailed conditions for access to the railway network by preparing a Network Statement. Capacity of the railway network is ensured by the capacity allocation for the open access railway network. Use of the open access railway network is based on the request for basic, supplementary, additional and ancillary services (hereinafter rail network capacity) submitted in the proper format and with the described content by an Railway Undertaking that fulfils all requirements described either by law or in this current Network Statement. Requests must be handed in to the OSS office of VPE.

Authorised applicant is entitled to use the following of basic services defined by Annex 3 point I of Railway Act:

- handling of requests for railway network capacity
- providing information necessary to run railway vehicles

#### **2.2.1 Requirements of application for capacity**

Rail network capacity may be applied for by that Railway Undertaking who can verify his right to use the railway network with documents defined in points (2.2.3-2.2.4) by delivering a copy of them to VPE.

Requirements of applying for rail network capacity:

- Operational licence issued in accordance with Council Directive 95/18/EC (Point 2.2.3), as well as
- safety certificate issued by the rail transport authority (Point 2.2.4).

Authorised applicant is entitled to reserve capacity only if it genuinely verifies its qualification as commercial organisation in accordance with Paragraph 685 point c) of Civil Law, and also encloses a copy of the framework contract signed by this applicant and the Infrastructure Manager.

#### **2.2.2 Who is allowed to use the open access railway network?**

Open access railway network can be used by the infrastructure managers and Railway Undertakings.

The open access railway network is operated by



- MÁV Zrt as a non-independent, not integrated railway company and
- GYSEV Zrt as an integrated railway company.

Railway Undertakings are:

- railway undertakings registered in Hungary and holding a national operation licence
- railway undertaking for freight traffic founded in any other EEA country if holding an operation licence in accordance with Directive 95/18/EC,
- railway undertaking for international passenger traffic founded in any other EEA country if holding an operation licence in accordance with Directive 95/18/EC,
- railway undertaking founded abroad, under international contract or on reciprocity,

### 2.2.3 Operation licences

Providing freight, passenger or traction services or managing of the railway infrastructure are activities which may be performed only in the possession of operation licence issued by the related authority. The issuing, modification, suspension, withdrawal of an operational licence or a temporary operational licence fall within the responsibility and authority of the rail regulatory body.

Operation licence can be applied for by filling in and handing in the licensing form that can be downloaded from the regulatory body's homepage. In order to obtain an operation licence, Applicant must also submit to the regulatory body documents - defined by legal rules - that prove the existence of conditions under which operation licence may be issued.

Under the process defined by the regulatory body train operating companies holding operational licences that were issued in any EEA countries must notify in writing the regulatory body of their intention to use the open access railway network of Hungary by filling in and handing in the form downloaded from the regulatory body's homepage at least 30 days prior to the date of submitting the requests for capacity. Notification must include as an attachment the operation licence issued by another EEG state and also a certification that proves that the scope of the company's contract guaranteeing the coverage of liability bonds, also covers Hungary.

Name, address and availabilities of the rail regulatory body:

Name: National Transport Authority Central Office

Railway Managing Department  
Address: H-1066 Budapest, Teréz krt. 62.  
Phone: +36 1/815 9679  
Fax: +36 1/815 9670  
Website: [www.nkh.hu](http://www.nkh.hu)

After a modification, Railway Undertaking shall immediately in writing announce and verify modifications in connection with operation licences to VPE and infrastructure managers.



#### 2.2.4 Safety certificate, complementary certificate, safety permission

Railway undertaking registered in Hungary may use the railway network only if holding a safety certificate issued by the railway transport authority. Certificate verifies that in order to guarantee the safe operation of the railway network the railway company has established its safety system, and is capable to meet the requirements determined by the technical specifications of interoperability (TSI) and the national safety rules. Management and operation of railway networks may 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 a complementary certificate from the transport authority under the process defined by the transport authority before applying for capacity.

Name and address of the railway transport authority:

Name: National Transport Authority  
Office of Road, Railway and Aviation Affairs  
Railway Department  
Railway Safety and Monitoring Division  
Address: 1066 Budapest, Teréz krt. 62.  
Phone: +36 1/474-1786  
Fax: +36 1/312-6614  
Website: [www.nkh.hu](http://www.nkh.hu)

Railway Undertaking must immediately announce and prove modifications of safety certificate, complementary certificate and safety permission to VPE and to infrastructure managers in writing.

#### 2.2.5 Insurance, cover of liabilities

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

### 2.3 Access contract for the use of the railway network

#### 2.3.1 Framework Agreement and Framework Contract

In order to guarantee track network capacity there is a possibility for the Railway Undertaking to sign a framework agreement with VPE under the conditions set out in legal rules for maximum 5 years or in special cases for not more than a 10 year period. In case of track network capacity requests for a period longer than one year Railway Undertaking shall sign a framework agreement with VPE. Anyone with a valid framework agreement is entitled to apply for track network 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. For a period after the expiration of the framework agreement, it is the applicant who shall initiate the conclusion of a new framework agreement.

Infrastructure manager and authorised applicant shall conclude a framework contract for the reservation of rail network capacity. Within this framework contract, authorised applicant undertakes the obligation to observe all requirements and procedures infrastructure managers publishes for the above services as part of allocation principles.

### **2.3.2 Network Access Contract, contract for the reservation of rail network capacity and Internal Agreement**

#### ***2.3.2.1 Network Access Contract and contract for the reservation of rail network capacity***

The Network Access Contract regulates the technical, technological, financial and legal conditions of the utilisation of railway infrastructure.

After checking the existence of operation licence, safety certificate/complementary safety certificate, VPE allocates to the Railway Undertaking the basic, supplementary and additional services. After this, but before the utilisation of the capacity allocated, parties must sign a Network Access Contract.

Preconditions to signing of an Network Access Contract include:

- having an operation licence
- holding a safety certificate/complementary safety certificate
- notice in accordance with Railway Act Paragraph 64. (3) (notice on the allocation of capacity)

The open access railway network cannot be used without allocated capacity and a valid Network Access Contract.

The Access Contract must contain at least the following:

- details of contracting parties
- the content of utilisation right, scope, validity, cancellation, suspension and modification of the contract
- the description of the railway network to be used
- duration of utilisation right

- obligations of the applicant, technological prescriptions
- prescriptions for traction units and hauled vehicles owned or operated by the railway undertaking, hand over process of data of hauled wagons owned or operated by the railway undertaking,
- payment and invoicing conditions
- contact details both of the Railway Undertaking and the infrastructure manager
- regulation of forwarding of dangerous goods or extraordinary consignment
- agreements for other supplementary, additional or ancillary services
- conditions of infrastructure activities that are executed by the personnel of the Railway Undertaking
- attached legal statement on the obligation to carry out wagon and train examination and brake trial

General Terms and Conditions for the Network Access Contract are in Annex 2.3.2.1.

When entering into a Network Access Contract for ensuring the capacity of the railway network, the regulations of the Civil Law, especially of the general rules of contracting, the Railway Law and the Network Statement must be applied jointly.

Authorised applicant and infrastructure manager shall conclude a contract for the reservation of rail network capacity. For the use of rail network capacity subject to this contract, authorised applicant shall undertake in this contract the obligation to assign a Railway Undertaking complying with requirement laid down in Paragraph 53 of the Railway Act who will conclude a network access contract with the infrastructure manager. Authorised applicant may transfer the rail network capacity allocated to it to any other Railway Undertaking for using the capacity.

Should the network access contract be not concluded - by a deadline set by the infrastructure manager - between the Railway Undertaking assigned by the authorised applicant and the infrastructure manager for a reason that can be attributed either to the authorised applicant or to the Railway Undertaking, infrastructure manager may consider the fact as the cancellation of the requested rail network capacity and may act in accordance with relevant legal rules.

The Network access contract to be signed in the interest of the authorised applicant shall be signed 10 days before the use of the network capacity subject to the contract.

#### **2.3.2.2 Internal Agreement**

Before using the capacity, Infrastructure Manager and business units operating within the organisation and executing freight, passenger or traction services must conclude an internal agreement.

The open access railway network cannot be used by the train operating business unit without capacity allocated to the business unit operating train services and

without a valid Internal Agreement. The Internal Agreement is worked out by VPE. Business units of the integrated railway companies shall sign the Internal Agreement and send it to the rail regulatory body for approval.

Network access conditions to be set out in the Internal Agreement must be in compliance with the requirements defined by Para 33 of the Decree No. 101/2007 (XII. 22.) of the Ministry of Economy and Transport.

## **2.4 Operational rules**

### **2.4.1 The obligation of employing railway operational instructions**

Railway Undertakings must observe the following operational instructions of the infrastructure managers:

- a) F.1. Signalling Instruction
- b) F.2. Operational Instructions and Appendixes
- c) In terms of MÁV Zrt, F.3. Instruction on the provision of operation control and operative control service
- d) E.1. Instructions for the personnel of the traction unit
- e) E.2. Brake Instructions
- f) E.12. Technical Wagon service Instructions
- g) Technical tables Volumes I-II
- h) E.101. General Instructions for the operation of standard gauge electrified railway lines
- i) H.6. Instructions for handling extraordinary consignment
- j) For MÁV Zrt, O.1. Training Instructions Infrastructure Chapters (except if the railway undertaking has training rules on his own approved by the transport authority)
- k) For GYSEV Zrt, Training Instructions of GYSEV Zrt
- l) Executive Instructions for stations - Infrastructure related parts
- m) Executive Instructions for traffic regulation for line sections
- n) Deviation in Instructions to be used for neighbouring railway networks

From instructions listed above, transport authority approves instructions listed under a) - h). Entering into force, publication or modification of these instructions are communicated by MÁV and GYSEV in writing towards VPE and the Railway Undertakings, and any information in line with these instructions must be placed on their websites, too ([www.mav.hu](http://www.mav.hu), [www.gysev.hu](http://www.gysev.hu)).

Instructions to be applied for the usage of railway network must be published in full length on the websites of MÁV Zrt and GYSEV Zrt.

### **2.4.2 Obligation to use documents to be employed while running a train**

While running trains on the network, the usage of documents defined in instructions listed in point 2.4.1 are binding, beyond that, parties may also agree in the usage of other documents.

## 2.5 Specifications related to trains forwarding exceptional consignments, test trains and Ro-La trains

### 2.5.1 Rules for running of trains transporting exceptional consignments

A consignment must be considered to be 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. Instructions)

The following consignments are qualified as extraordinary consignments:

- extraordinary consignment forwarded on the basis of a transport permission of general validity for standard-size consignments,
- extraordinary consignment transported on the basis of an individual transport permission.

Organisations responsible for regulating the transport of extraordinary consignments are as follows:

MÁV Zrt Infrastructure Operation - Traffic Department Operation Centre

Address: H-1087 Budapest, Kerepesi út 16.

Phone: +36 1/-313-6067

Fax: +36 1/511-1638

E-mail: [sondertp@mav.hu](mailto:sondertp@mav.hu)  
[ukrk@mav.hu](mailto:ukrk@mav.hu)

GYSEV Zrt. Infrastructure Business Unit

Address: H-9400 Sopron, Mátyás király utca 19.

Phone: +36 99/517-213

Fax: +36 99/517-148

e-mail: [bjabronka@gysev.hu](mailto:bjabronka@gysev.hu)

### 2.5.2. 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. Regulations relating to test trains are issued by the infrastructure manager (F2. Instruction, Appendix 29).

MÁV Zrt Infrastructure Operation Traffic Department Operation Centre

Address: H-1087 Budapest, Kerepesi út 16.

Phone: + 36 1/313 6067

Fax: + 36 1/511-1638

E-mail: [sondertp@mav.hu](mailto:sondertp@mav.hu)  
[ukrk@mav.hu](mailto:ukrk@mav.hu)

**GYSEV Zrt Infrastructure Business Unit**

Address: H-9400 Sopron, Mátyás király utca 19.  
Phone: + 36 99/517 213  
Fax: + 36 99/517-148  
e-mail: [bjabronka@gysev.hu](mailto:bjabronka@gysev.hu)

**2.5.3 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. Regulations relating to the running of RoLa trains are issued by the infrastructure manager. (F2. Instructions, 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 Operation Traffic Department Operation Centre**

Address: H-1087 Budapest, Kerepesi út 16.  
Phone: + 36 1/313 6067  
Fax: + 36 1/511-1638  
E-mail: [sondetrp@mav.hu](mailto:sondetrp@mav.hu)  
[ukrk@mav.hu](mailto:ukrk@mav.hu)

**GYSEV Zrt Infrastructure Business Unit**

Address: H-9400 Sopron, Mátyás király utca 19.  
Phone: + 36 99/517 213  
Fax: + 36 99/517-148  
e-mail: [bjabronka@gysev.hu](mailto:bjabronka@gysev.hu)

**2.6 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 SZMGSZ Agreement on International Goods Transport by Rail.

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

When applying for train path, Railway Undertakings must inform the infrastructure manager if catastrophe level dangerous goods or consignment of high public security risk in accordance with RID Annex 1.10 table 5 are to be forwarded, and must also give information on the train guidance and security arrangements to be taken.

Organisational units of the infrastructure manager to be informed:

MÁV Zrt Infrastructure Operation - Traffic Department Operational Centre

Address: H-1087 Budapest, Kerepesi út 16.

Phone: +36 1/313-6067

Fax: +36 1/511-1638

E-mail: [ukrk@mav.hu](mailto:ukrk@mav.hu)

GYSEV Zrt Infrastructure Business Unit

Address: H-9400 Sopron, Mátyás utca 19.

Phone: +36 99/517-213

Fax: +36 99/517-148

E-mail: [bjabronka@gysev.hu](mailto:bjabronka@gysev.hu)

## 2.7. Conditions for the running of rolling stock

The suitability of the rolling stock operated by the Railway Undertaking is proved by the operational licence issued by the transport authority. Railway Undertaking must fulfil all technical and transport safety conditions set out for the train composition, technical inspections of wagons, inspection of train, brake trials and the braking level. Railway Undertaking must declare - in line with the decree No 40/2006. (VI. 26) of the Ministry of Economy and Transport - about the data, parameters of wagons used or to be used.

Licensing authority:

National Transport Authority

Office of Road, Railway and Aviation Affairs

Railway Department

Address: H-1066 Budapest, Teréz krt. 62.

Phone: +36 1/474-1786

Fax: +36 1/312-6614

## 2.8 Conditions for staff

Suitability of the staff of Railway Undertakings shall be proven by the staff-relevant part of the safety certificate in which the Railway Undertaking verifies that in compliance with Paragraph 6 (2) g) of the Decree No. 40/2006 (VI.26.) GKM its staff has the knowledge of all the instructions regulating railway traffic set out by the railway company in the list attached to the application for safety certificate, and have passed railway professional and medical suitability exams defined.

Staff of the Railway Undertaking may carry out shunting of its own only after passing the exam of O.1 Instructions, having a valid foreman shunting examination in accordance with the training instructions of the Railway Undertaking, passing the

exam of Executive Instruction for Stations (ÁVU) regarding knowledge of local relations, and after performing duty under supervision defined in the Appendix of the Labour Protection Regulation relevant to the given service location.

Should -pursuant to the AVU- no contribution of shunting personnel be necessary to carry out shunting of own, staff of the Railway Undertaking is allowed to carry out shunting without having an examination on local information prescribed above.

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



### **3. INFRASTRUCTURE**

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

VPE shall display in its homepage changes, modifications in the data of the railway network and shall inform Railway Undertakings, Infrastructure Managers and the rail regulatory body in writing of them. Should changes and modifications also affect data put down in the Network Statement, VPE shall make amendments to the Network Statement.

#### **3.2 Introduction of the open access railway network**

Annex 3.2 comprises the open access railway network operated by MÁV Zrt and GYSEV Zrt and the classification of railway lines as well as the numbering of the railway lines.

##### **3.2.1 Limits of the infrastructure**

###### *Conditions of the combined transport*

Conditions of carriage of the transport units of the combined transport can be found in Annex 3.2.1-1.

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

###### *Obligation of performing look-out service on the locomotive*

Information on obligation of performing look-out service on the railway network of MÁV Zrt and GYSEV Zrt can be found in Annex 3.2.1-2.

##### **3.2.2 Connecting railway networks**

List of border stations of the open access railway network, the name of the infrastructure manager of the border station on the territory of the neighbouring state, as well as the operation times taken into consideration from the point of view of traffic regulation, can be found in Annex 3.2.2-1.

Border points between the railway infrastructure of MÁV Zrt and GYSEV Zrt the relevant infrastructure data are comprised by Annex 3.2.2-2.

On the network of GYSEV Zrt, connecting railway tracks, junction railway tracks and railway networks 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 for the railway network is available at the infrastructure managers, using the contacts given under the point 1.8 to this Network Statement.

### **3.3. Characteristics of open access railway network**

#### **3.3.1 Geographical characteristics**

##### ***3.3.1.1 Lines, track network of the open access railway network***

Main characteristics of open access 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 standard gauge (1435 mm) and broad gauge (1524 mm) railway lines.

##### ***3.3.1.3 Service places on the open access railway network***

Locations of service places in the open access railway network and the most important technical and operational characteristics of the service places 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), GB (UIC), GC (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***

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

##### ***3.3.2.3 Curves and gradients***

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

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

##### ***3.3.2.4 Track speed of railway lines***

Speed of track regarding certain railway lines is shown in Annex 3.3.1.1.

Infrastructure Operation of MÁV Zrt and GYSEV Zrt Infrastructure Business Unit 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***

Lengths of trains that may run on railway lines can be seen 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, signalling and communication systems**

#### **3.3.3.1 Signalling installations**

There are mechanical, relay-dependent and electronic signalling installations in operation on the track network.

#### **3.3.3.2 Traffic control systems**

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

- Central Traffic Control(KÖFI)
- Central Traffic Management (KÖFE)
- Operation controlled line
- Traffic control on sidings (MEFI) and radio-based traffic control system on sidings (MERÁFI)
- supervised line and line supervised by station

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

#### **3.3.3.3 Ground-train radio network 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 controlled by one or two operating devices, or fix installed radio-sets can be connected to both types 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 - Rádics 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 ground train radio 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 have been installed on the network:

- EVM, EÉVB
- INDUSI
- ETCS.

Railway lines outfitted with automatic train control systems can be found in Annex 3.3.1.1.

### **3.4. Traffic restrictions**

#### **3.4.1 Separation of specialised infrastructure**

The capacity allocating body can designate certain track section as specialised infrastructure after a coordination with the concerned applicants has taken place, and the railway regulatory body has been informed of the coordination.

The designation of a specialised infrastructure cannot hinder the use of the specialised infrastructure for other railway services if there is spare capacity on the track section and the rail vehicles meet the technical requirements of the running on the track section.

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

#### **3.4.2 Environmental restrictions**

On the open access 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 points 2.5 and 2.6 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 Railway Undertakings on a continual basis.

Restrictions:

*a) operation times on border station taken into consideration from traffic regulation point of view*

Infrastructure Manager may introduce restrictions on certain service places 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 not available for Railway Undertakings.

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

Maintenance, renewal and enhancement works which concern the access to the infrastructure and are carried out on track facilities can be found in Annex 3.5

### **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 place of certain lines is listed in Annex 3.3.1.3.

### **3.7 Service facilities of stations for freight trains**

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

### **3.8. Service facilities**

#### **3.8.1 Passenger and freight train formation stations and service places**

List of passenger and freight train formation stations and service places can be found in Annex 3.3.1.3.

#### **3.8.2 Access to loading sidings and loading places**

Loading places and sidings to be used for loading can be seen in Annex 3.8.2.

#### **3.8.3 Maintenance facilities**

Neither Infrastructure Operation of MÁV Zrt nor Infrastructure Business Unit of GYSEV Zrt have any vehicle maintenance facilities.<sup>1</sup>

Infrastructure Operation of MÁV Zrt has no vehicle maintenance facilities.<sup>2</sup>

Vehicle maintenance facilities of GYSEV Zrt Infrastructure Business Unit can be found in Annex 3.3.1.3.<sup>3</sup>

#### **3.8.4 Refuelling facilities**

Location of refuelling equipment and opening hours can be seen in Annex 3.8.4.

#### **3.8.5 Technical facilities**

##### **3.8.5.1 Interchange of axles**

Facility which is suitable for exchanging of axles of standard gauge and broad gauge wagons is available in the Axle Interchange Workshop in Záhony at MÁV Zrt. (Code

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<sup>1</sup> Ineffective from 9 December 2012

<sup>2</sup> Effective from 9 December 2012

<sup>3</sup> Effective from 9 December 2012

of the Service place exchanging from broad gauge to standard gauge is 44320 (Záhony széles), from standard gauge to broad gauge is 42077 (Záhony rendező).

#### ***3.8.5.2 Wagon weighbridges***

Infrastructure Managers provide access for Railway Undertakings to wagon weighbridges on locations shown in Annex 3.8.5.2.

#### ***3.8.5.3 Service places equipped with preheating and precooling facilities and waste water sewer connection***

Possibility of preheating and precooling, connections to traction current, water supply facilities and waste water sewer, tracks equipped with inspection pits ensured by the infrastructure managers on stations, service places, 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 2012/2013 timetable year can be seen informatively in Annex 3.9.

## 4. CAPACITY ALLOCATION

### 4.1 Introduction

Any Railway Undertaking who verifies in compliance with point 2.2 its entitlement to use the railway infrastructure, may request at VPE for track network capacity provided within the framework of the open access to the railway network.

To authorised applicants, Paragraphs 56-58 and 60-64 of the Railway Act will apply when requesting rail network capacity.

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 website and in its train path application information technology system.

Railway companies entitled to provide railway passenger, freight transport services, or to operate railway infrastructure are only authorised to order train types as follows:

Holders of operation licence for rail passenger transport are entitled to order

- trains of categories A, B, C listed in Annex 4.3-2,

Holders of operation licence for rail freight transport are entitled to order

- trains of category D listed in Annex 4.3-2.

Holders of operation licence for traction service are entitled to order

- Trains of category E listed in Annex 4.3-2

Holders of operation licence for the operation of rail infrastructure network are entitled to order

- Trains of category F listed in Annex 4.3-2.

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 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 and application for related services

Railway Undertakings 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 an Railway Undertaking established and licensed in accordance with Directive 95/18/EC in any other EEA member state, or with a railway undertaking established abroad under the provision of international contract or on reciprocity, the cooperating party shall be specified in the train path application submitted by the Railway Undertaking registered in Hungary.

#### **4.3 Rules and deadlines of the capacity allocation process**

Railway Undertakings shall submit their requests at VEP for the use of track network capacity set out in point I-IV of Annex 3 of the Railway Act electronically through the train path applying information technology system of VPE. VPE shall enter data of track network capacity 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.

VPE shall offer catalogue train paths for satisfying ad hoc short term train path requests. If applicant does not accept the offered catalogue timetable, or in the case of train paths for working trains, VPE shall enclose so called “short term timetable” in the heading of which VPE shall make the following remark. “Offered catalogue train path has not been accepted by applicant. The train will run according to a short term timetable.” If trains running according to short term timetable run via not interlocked stations, the following statement must also be attached: “Information about the change of the entry direction at the station [name of the not protected station crossed by the train according to the timetable] will be provided by a command in writing in accordance with point 15.18.3 of F.2. Traffic Instructions.”

Should applicant not accept the offered catalogue timetable and also in case of train paths for working trains, VPE shall attach a so called short term timetable to the train path request, but running of trains will happen by using of free capacity defined by traffic management. In case of “short term timetable” belonging to train path requests, the box “direction of entry” will not be filled in if the station is not interlocked. Train crew will be notified about the change of the entry direction of these stations by command in writing in accordance with point 15.18.3 of F.2. Traffic Instructions.

Railway Undertakings shall submit their annual, annual late, mid-term, ad hoc and short term capacity requests which shall comprise the type of request, the train type and the train category, 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 and the train categories can be found in Annex 4.3-2.

Should the Railway Undertaking coming from an open access railway network use also privately owned railway network relieved of open access, Railway Undertaking - when applies for track network capacity - must hold a service agreement concluded with the operator of the privately owned railway network relieved of



open access, and when requesting for capacity, shall attach the statement of the operator of railway network on the existence of such a service agreement.

Until the deadline for the submission of annual late requests to be taken into account during the period of constructing the annual and the 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. Network capacity request for not foreseeable track works shall be submitted by the infrastructure manager at VPE in the running timetable year.

Infrastructure manager is exclusively entitled to request at VPE a 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 a request for track capacity.

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 shall decide based on this process.

VPE shall inform the Railway Undertaking concerned, the infrastructure managers and the rail regulatory body on his decisions made in capacity allocation (decisions on track network capacity allocated in compliance with the Network Statement)

#### **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 (9 April 2012).

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 (5 November 2012). VPE must deliver to Railway Undertakings for their feedbacks the draft timetable and/or the draft service plan in terms of the requested train path.

After the deadline of the submission of annual train path requests until 2 July 2012, 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 (18 June 2012) and VPE is obliged to send in writing the relevant parts of timetable to applicants. Applicants will have possibility to make comments and carry out the necessary coordination until 6 August 2012. After this until 20 August 2012, VPE shall finalize the annual working timetable i.e. allocate train paths.

Validity period of the annual working timetable begins at 24:00 on the second Saturday of December in the running year and lasts until 24:00 on the second Saturday of December in the subsequent year.

#### 4.3.2 Handling of requests other than annual train path requests inclusive of short term requests

| Type of train path            | Deadline for submitting request correlated to the date of the planned train run | Time needed for allocation                                    |
|-------------------------------|---|---|
| Mid-term train path           | At least 5 weeks before train run.  | Within 5 working days   |
| Ad hoc train path             | At least 5 days before train run  | As soon as possible, but within 4 working days at the longest |
| Short term train path         | Within 5 days but at least 1 hour before train run                              | As soon as possible.  |
| Train path for working trains |   | As soon as possible.  |

#### 4.3.3 Deadlines and procedures 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-IV 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.

Application for services provided by the infrastructure manager may happen jointly with the application for train path, or as an application for services without train path as well.

Shunting without the usage of shunting staff of the infrastructure manager or/and traction unit ensured by the infrastructure manager (shunting of its own) may be carried out only in such service locations where traffic operation is ensured. On lines equipped for simplified traffic service, rules that are covered by the Executive Instructions for Line Sections defined in point 2.4.1 m) must apply.

Railway Undertaking must indicate the shunting of its own in the train path requesting IT system of VPE simultaneously with the ordering of any kind of station-use services and must give the length of time of shunting and the number of vehicles to be shunted.

Services “Use of origin/destination stations by freight trains” and “Use of intermediate stations by freight trains” also include the service “Access to public loading sidings and loading places belonging to these sidings”, and in the interest of capacity allocation the request shall be indicated by the Railway Undertaking.

As for the railway network of MÁV Zrt, Railway Undertaking may apply for access to loading sidings and to loading places belonging to these sidings by a simple indication of this request independently from the train path (without the train path).

The indication shall be submitted by each loading occasion separately with the starting and ending time stated.

The Railway Undertaking must give the following information in the indication:

- the name of concerned service place, within this, the name of the loading siding,
- the requested day and time of start,
- the number of wagons to be loaded/unloaded,
- the length of the loading unit (meters),
- the time needed for the use of the loading place.

Optionally the following can be specified:

- the referred train path identifier (which can any time be referred to at the time of the request +/- 168 hours),
- usage of loading interruption (loading on other than lighting calendar period and / or public holiday)

Terms of use for public loading sidings and loading places belonging to these sidings owned by MÁV Zrt. can be found in Annex 4.3-3.

Before requesting for train path and services regarding the railway network of MÁV Zrt, Railway Undertaking should - if it is possible - consult with MÁV Zrt Operation of Infrastructure about the possibility of using supplementary and additional services. MÁV Zrt Operation of Infrastructure receives the preliminary requests regarding the possibility of requesting 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 information to the Railway Undertaking.

Before requesting for train path regarding the railway network of GYSEV Zrt, in opposition to the above regulation concerning the railway network of MÁV Zrt., at least 1 working day prior to the planned use of the service, Railway Undertaking shall agree with GYSEV Zrt Infrastructure Business Unit on the possibility of ensuring services as follows:

- Ensuring of access to loading sidings, loading places,
- Storage of vehicles,

For feasibility reasons prior to the allocation of services, Railway Undertaking is obliged to agree with the infrastructure manager in accordance with Paragraph 54 (4) of the Railway Act on the allocation of additional services with availability parameters other than published in the Network Statement.

#### 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 requests to the invoicing of charges can be seen in Annex 4.4.

##### 4.4.1 Coordination procedure

When a request for rail network capacity cannot be satisfied due to its conflict with other capacity requests even taking into account judgement provisions defined in legal rules, or any of these requests cannot be refused, 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 on 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,
- consequences if parties concerned fail to participate in the coordination procedure.

The coordination procedure shall be conducted by VPE. Minutes shall be prepared 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 on the requests affected by the coordination procedure by taking into account the sequence defined by Paragraph 19 points 4) and 5) of Decree No 101/2007 (XII 22), and consequently, may make such a proposal to the Railway Undertaking which differs from the request submitted by the applicant.

Immediately after decision making, VPE shall notify in writing the affected applicants of its decision made in disputes which cannot be resolved during the coordination procedure.

VPE prioritises conflicting requests of different types in the following sequence:

- annual train path request,
- annual late train path request
- mid-term train path request,
- ad hoc train path request,
- short term train path request,
- train path request for working trains.

#### 4.4.2 Disput resolution process, possible recourse

In accordance with the provisions of Paragraph 77 (1) of the Railway Act Railway Undertakings or non-independent infrastructure managers may initiate legal dispute process at the rail regulator body against decisions made by VPE in the matter of ensuring rail network capacity.

#### 4.4.3 Congested track section

##### 4.4.3.1 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, and shall initiate at the infrastructure manager that it prepares capacity analysis and also makes proposal for removal of congestion.

Infrastructure Manager is bound to carry out capacity analysis for the congested section of the railway network and to send the capacity analysis to the rail regulatory body. Infrastructure Manager must quarterly submit a report to the rail regulatory body on the execution of provisions contained by the capacity enhancement plan.

VPE shall publish besides the train path catalogue also the track sections which might be replaced in case of congestion.

There is no congested track section on the open access network.

##### 4.4.3.2 Priority rules and procedure to be followed

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

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

Infrastructure Manager may not enforce its need for priority laid down above over public services operated in peak hours.

On a congested railway section, after enforcing the provisions above, or if annual, annual late, ad hoc and short term requests coincide, with the exception of railway sections designated as specialized infrastructures, priority shall be given to

- Railway public services,
- Cross border passenger transport,
- Cross border freight transport,
- Other freight transport,
- Other passenger transport.

If train path request to which priority shall be given in accordance with the previous point cannot be identified, priority shall be given using ranking below:

- to trains running on the basis of the Regular Interval Timetable, ,

- to train paths ordered in the scope of the framework agreement,
- train path requests covering more than one traffic days,
- train path requests for longer distances,
- train path request of regularly running trains,
- train path requests submitted earlier.

#### **4.4.3.3 Use, revocation of the right for use**

For a congested track section, VPE is entitled to withdraw those train paths of Railway Undertakings which were used only in less than 60% over a period of 3 months (threshold value), except cases when it happens for a reason beyond the Railway Undertaking's control. When determining the rate of capacity-utilisation, calculations shall be based on the number of train paths. Threshold value must also be applied to train paths ensured/allocated by a virtue of a framework agreement.

VPE is entitled to revise the right for using the train path allocated if in any of the papers, documents specified in 2.2.1 justifying the right prescribed for using the railway infrastructure have been modified.

If the papers, documents referred to in the previous paragraph do not justify the right of the Railway Undertaking to use the train path, VPE may revoke the right to use the train path. VPE shall inform the Railway Undertaking and the infrastructure manager 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 Paragraph 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**

The Infrastructure Manager is entitled to carry out maintenance, renewal and enhancement works or mandate any other company to carry out these works on the open access railway network operated by this IM, and to reserve capacity for these works, and to use the railway network.

Infrastructure manager shall submit at VPE its requests for network capacity in compliance with the procedure described in this point to carry out such maintenance, renewal and enhancement works on the railway network which disturb or limit train movements on the affected track section. Expected effects of the maintenance, renewal and enhancement works monthly updated shall be published on the home page of VPE.

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

To enable the execution of such scheduled maintenance, renewal and enhancement works on the railway network which disturb or limit train movements on the affected track section, Infrastructure Manager shall submit at VPE its requests for track capacity necessary to execute these works by 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 the train path requesting system of VPE. If this system is not available, in a letter form or on fax using the application form set out in Annex 4.5.1.1. VPE shall satisfy these requests in compliance with rules relating to the annual working timetable.

**4.5.1.2 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 such maintenance, renewal and enhancement works which cannot be scheduled in the period of constructing the annual working timetable, and which disturb or limit train movements on the affected track section, 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 by using the pattern shown in Annex 4.5.1.1, 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 is kept at a minimum level.

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 track network capacity in accordance with rules of application for capacity at VPE not less than 30 days before starting the works. When applying for track network capacity the following data shall be given:

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

At the same time, track possession technology, if such will be prepared, shall be sent electronically to the [vpe@vpe.hu](mailto:vpe@vpe.hu) e-mail address.

Within 10 working days after receiving request for network capacity relative to the track network capacity, VPE shall check whether the application for track network capacity submitted by the infrastructure manager and train paths which have already been allocated, coincide, and prepare study-timetables for the track possession.

After performing the examination, if the request for rail network capacity submitted by the Infrastructure Manager affects allocated train paths, VPE shall



carry out a coordination process on the basis of study timetables and in accordance with rules relating to coordination process by involving in the process the Infrastructure Manager and the owners of train paths that coincide with train path request submitted by the Infrastructure Manager.

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 which are marked by their owners as affected, and which should possibly be modified in order to ensure connections.

Parties affected may agree in accordance with gross charging principle of accountancy also during the coordination process on charging and bearing of possible surplus costs and liabilities for damages- which may arise to the owner of the train path.

Railway Undertaking shall cancel at VPE train paths to be modified for the certain period as a result of the coordination process, and shall order new train path at VPE with the modified route/time data in accordance with the rules of cancellation and application for train path. Should the Railway Undertaking not modify/cancel the affected train paths within two working days after the coordination process in accordance with the minutes signed in the coordination process, VPE is obliged to provide for the modification/cancellation of affected train paths in accordance with the minutes. In absence of agreement, VPE shall decide in compliance with the rules of the coordination process.

Regarding modified train paths, VPE shall construct - based on train path requests submitted again - new timetable (temporary working timetable) which will become part of the working timetable.

#### **4.6 Cancellation rules, procedure if train path is not cancelled**

Railway Undertaking may cancel the applied and allocated train path or request for the use of network capacity defined by Railway Law Annex 3 points I-IV, or network-capacity and network capacity allocated for the Infrastructure Manager for the purpose of maintenance, renewal and development at VPE in writing or electronically through the train path applying information technology system of VPE or via fax.

Should an Railway Undertaking neither use nor cancel in due course its train path or the definite service, or fails to cancel them, it shall pay a cancellation fee in accordance with the Performance Regime.

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

Forwarding of exceptional consignment and dangerous goods, running of test trains and Ro-La trains are subject to authorisation, so, they shall be indicated when requesting train path.

Procedure of forwarding of exceptional consignments can be seen as regards MÁV Zrt in Annex 4.7.1, as regards GYSEV Zrt in Annex 4.7.2.

#### **4.8 Special measures in the event of disturbances, emergency**

##### **4.8.1 Main principles of restoring the scheduled traffic**

- 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.
- Railway Undertakings shall make a contact person entitled to decide or an own governing organisation continuously available 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.
- Act of God 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 adequate regulation which involves bodies to be informed in the event of serious accidents or serious disturbance to train movements.
  - On request of the infrastructure manager, Railway Undertakings - on payments - are obliged to make available their resources which they consider to be the most appropriate tool to restore as soon as possible the normal operational situation.
  - In the case of disturbance which makes the railway infrastructure temporally unusable, infrastructure manager - with the notification of the interested parties - may withdraw the allocated train path for such a long time as it is necessary to repair the system. On request of the applicant, VPE shall offer for this period another train path from free capacity available.

##### **4.8.2 Procedural order:**

###### **Procedure**

- Operation control organisation of the Infrastructure Manager shall take measures to remove obstacles from the track,
- with the contribution of the operation control organisation of the Railway Undertaking or the representative of the Railway Undertaking operation control organisation of the Infrastructure Manager shall take the necessary

steps to cease disturbance, emergency and to run the trains of the Railway Undertakings.

For GYSEV Zrt, procedure to be comply with in the event of disturbances or emergency can be found 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 as well as on the management of elimination of damages) which is available on the homepage of GYSEV.

#### **4.8.3 Foreseeable problems**

In the event of foreseeable emergency, provisions of Paragraph 31 (2) a-b) of the Railway Act shall be followed.

#### **4.8.4 Unforeseeable problems**

In the event of unforeseeable emergency, provisions of Paragraph 31 (2) a-b) of the Railway Act shall be followed.

## 5. SERVICES TO BE PROVIDED TO RAILWAY UNDERTAKINGS

### 5.1 Introduction

The use of the open access railway network and services of the Infrastructure Manager provided within the open access to services shall be made available to each Railway Undertaking under equal conditions and at the same price.

The content of the services provided by the Infrastructure Managers of 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

Services provided on the basis of Annex 3 point I of the Railway Act.

#### 5.2.1 Ensuring of train path

Handling of application for rail network capacity.

Content of the service:

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

#### 5.2.2 Running of trains

This service comprises:

- Making the open access railway network available to Railway Undertakings for running of trains,
- Ensuring the use of open access railway lines, running main through tracks, points, junctions, engineering structures, as well as control command and signalling equipment in running main tracks,
- Running of trains by ensuring staff, tools and information systems of traffic control and traffic operation,
- Handling and forwarding data necessary for the running of railway vehicles, (if necessary, issuing of permit for forwarding of exceptional consignment, registration of consignment, delivery of offer to Railway Undertakings in writing).

- Performing infrastructure manager's task for handling train run document and annexes.

### 5.3 Supplementary services

Services provided on the basis of Annex 3 point II of the Railway Act.

#### 5.3.1 Use of electrical supply equipment for traction current

The service comprises:

Access to and use of electrical supply equipment for traction current and power supply system (without electric energy).

#### 5.3.2. Access to refuelling facilities

The service comprises access to refuelling facilities and also the provision of traffic activity needed to the access. The service "Access to refuelling facilities" must be ordered.

Working hours of refuelling facilities can be found in Annex 3.8.4.

#### 5.3.3 Use of stations by passenger trains and passenger vehicles

##### *5.3.3.1 Use of station by passenger trains for stopping*

##### In case of MÁV Zrt

This service comprises for trains of train-categories A, B listed in Annex 4.3-2 the followings:

- access to and use of track infrastructure and other facilities of passenger stations and stops not included in basic services but required for the purpose of passenger transportation
- use of passenger service buildings and facilities, passenger areas, passenger information tools and equipments,
- provision of information on stations,
- use of traffic operation activity in stations necessary to dispatch and receive trains.

For using any of the above mentioned services, the service "Use of station for stopping" shall be ordered for every concerned service place where the train stops (inclusive of origin and destination stations and the request stop too). The definition of request stop can be found in Annex 1.10.

##### In case of GYSEV Zrt

This service comprises for trains of train-categories A, B listed in Annex 4.3-2 the followings:

- access to and use of track infrastructure and other facilities of passenger stations and stops not included in basic services but required for the purpose of passenger transportation

- use of passenger service buildings and facilities, passenger areas, passenger information tools and equipments,
- provision of information on stations.

For using any of the above mentioned services, the service “Use of station for stopping” shall be ordered for every station where the train stops inclusive of origin and destination station.

#### ***5.3.3.2 Use of the origin/destination stations by passenger trains***

This service comprises for trains of train-categories A, B, C listed in Annex 4.3-2 the followings:

- access to track network for formation, shunting and splitting-up of passenger trains
- use of traffic activities of stations connected to dispatching and accepting and shunting of trains (traffic control, registering of train run data,
- Access to and use of installed station facilities of the Infrastructure Manager necessary for preheating, precooling, water supply, emptying of waste water of toilets of passenger trains (without ensuring of energy and water),

#### **5.3.4 Use of stations by freight trains and vehicles**

##### ***5.3.4.1 Use of origin/destination stations for freight trains***

##### **In case of MÁV Zrt**

This service comprises for trains of train-category D listed in Annex 4.3-2 the followings:

- access to railway tracks and facilities belonging to stations (tracks and related technical equipment used by trains and detached/inserted wagons, including shunting facilities) for transporting freight (freight train run, shunting)
- ensuring access to sidings designated for loading on marshalling yards, to open access connecting and junction railway networks, to open access privately owned networks and transshipment sidings, loading places, to tracks enabling access to freight terminals,
- use of traffic activities of stations connected to dispatching and accepting and shunting of trains, (traffic control, registering of train run data)
- access to tracks necessary for marshalling activity and use of equipments, signalling and safety equipments, rail brakes and drag shoes belonging to these tracks,
- access to technical and engineering equipments for serving purposes,
- carrying out traffic operation activity required to the access.

In case of GYSEV Zrt

This service comprises for trains of train-category D listed in Annex 4.3-2 the followings:

- access to railway tracks and facilities belonging to stations (tracks and related technical equipment used by trains and detached/inserted wagons) for transporting freight (freight train run, shunting)
- ensuring access to sidings designated for loading, to open access connecting and junction railway networks, to open access privately owned networks and transshipment sidings, loading places, to tracks enabling access to freight terminals, as well as access to technical and engineering equipments for serving purposes,
- use of traffic activities of stations connected to shunting of trains,
- access to tracks necessary for marshalling activity and use of equipments, signalling and safety equipments, rail brakes and drag shoes belonging to these tracks,
- access to technical and engineering equipments for serving purposes
- providing traffic activities necessary to access

**5.3.4.2 Use of intermediate stations by freight trains**In case of MÁV Zrt:

This service comprises for trains of train-category D listed in Annex 4.3-2 at intermediate stations the followings:

- Access to tracks and equipments belonging to intermediate stations for the purpose of freight transport (freight train run, shunting, exchange of traction unit, locomotive go-round, reversing direction, detaching/inserting of wagons),
- ensuring access to sidings designated for loading, to open access connecting and junction railway networks, to open access privately owned networks and transshipment sidings, loading places, to tracks enabling access to freight terminals,
- access to technical and engineering equipments for serving purposes,
- providing traffic activity necessary to access
- use of traffic activities of intermediate stations connected to dispatching, accepting and shunting of trains (traffic control activity, registration of train run data),,

In case of GYSEV Zrt:

- Access to tracks and equipments belonging to intermediate stations for the purpose of freight transport (freight train run, shunting, exchange of traction unit, locomotive go-round, reversing direction, detaching/inserting of wagons),
- use of traffic control activities connected to shunting of trains

- ensuring access to sidings designated for loading, to open access connecting and junction railway networks, to open access privately owned networks and transshipment sidings, loading places, to tracks enabling access to freight terminals,
- access to technical and engineering equipments for serving purposes,
- providing traffic activity necessary to access

#### **5.3.5 Access to marshalling yards**

Access to marshalling yards is included in services for the use of stations set out in Points 5.3.3 and 5.3.4.

On the railway network of MÁV Zrt. the following service places count as marshalling yards:

- Ferencváros (10025, 40162, 46466), Eperjeske-Rendező (42358), Fényeslitke-Déli rendező (42127), Miskolc-Rendező (12641).

From the above listed commercial loading sidings and attached loading places of MÁV Zrt. can only be used on service places that are published in Annex 3.8.2.

#### **5.3.6 Access to train formation facilities**

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 storage of vehicles of the Railway Undertaking beyond 24 hours.

Safe-keeping and protection of stored vehicle(s) is the obligation of the Railway Undertaking. Railway Undertaking is obliged to indicate its need for storage before the expiry of the 24 hours.

In case of MÁV Zrt the following cases are not qualified as storage of vehicles

- 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

In case of GYSEV Zrt the following cases are not qualified as storage of vehicles

- stay of wagons and cars as a consequence of accidents, exceptional events,
- storage of vehicles used for the purpose of operating the infrastructure

#### **5.3.8 Other supplementary services**

##### ***5.3.8.1 Ensuring access to wagon weighbridges***

This service comprises:

- ensuring of the weighbridge in working order,



- ensuring that the employee (mandatee) of the Railway Undertaking carrying out weighing gets into the scale house,
- supervision of weighing of railway wagons carried out by Railway Undertaking

Infrastructure managers shall ensure availability of this service in places and in time period set out in Annex 3.8.5-2.

When weighing railway wagons, person carrying out weighing activity shall enter into the scale journal of the infrastructure manager the following data corresponding to facts:

- serial number of the railway vehicle
- gross load weighed
- number of axles of the railway vehicle
- empty weight of wagon marked on the railway vehicle

#### ***5.3.8.2 Suspension of service interruption, service stoppage***

The service comprises:

- availability of Infrastructure Manager's traffic operation staff in places and in time period affected by the service interruption, service stoppage.

Infrastructure managers shall ensure availability of this service in places and in time period set out in Annex 5.3.8.2.

#### ***5.3.8.3 Access to rail rolling stock maintenance facilities<sup>4</sup>***

The service comprises:

- ensuring access to rail rolling stock maintenance facilities

The service "Access to rail rolling stock maintenance facilities" must be ordered. In terms of MÁV Zrt, the service "Access to rail rolling stock maintenance facilities" is included in the service "Use of origin/destination stations by freight trains".

### **5.4 Additional services**

Services provided on the basis of Annex 3 point III of the Railway Act.

#### **5.4.1 Supply of traction current**

The service contains:

- transmitting of traction current through private wire to Railway Undertakings.

GYSEV Zrt Infrastructure Business Unit does not provide this service. On the network of GYSEV Zrt this service is provided by GYSEV Zrt Corporative Service.<sup>5</sup>

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<sup>4</sup> Effective from 9 December 2012

<sup>5</sup> Ineffective from 9 December 2012

#### 5.4.2 Supply of fuel for traction

The services comprises:

- supply of fuel for traction,

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

GYSEV Zrt Infrastructure Business Unit does not provide this service. On the network of GYSEV Zrt this service is provided by GYSEV Zrt Corporative Service.<sup>6</sup>

A mobile refuelling on the territory of GYSEV Zrt is possible only with a preliminary approval of GYSEV Zrt.

#### 5.4.3 Ensuring of other energy

##### ***5.4.3.1 Ensuring water for water supply***

List of service places suitable to use this service can be found in Annex 3.3.1.3.

This service contains:

- the provision of water for filling and water supply.

MÁV Zrt Operation does not provide this service.

##### ***5.4.3.2 Ensuring of electric energy for other than traction purposes (preheating, precooling)***

This service contains:

- transmission of electric energy through private wire to Railway Undertakings for other than traction purposes (preheating, precooling).

#### 5.4.4 Ensuring staff for shunting

This service comprises:

- ensuring of shunting staff of the infrastructure manager to carry out shunting activity in service places and operation hours published in Annex 5.4.4
- also in service places and operation hours other than published in the Network Statement if the necessary recourses to be ensured by the Infrastructure Manager are available.

The following movements are qualified as the service “Ensuring staff for shunting”: vehicle-coupling, protection of level crossings, detaching of wagons from trains or inserting of wagons to trains, train formation, splitting-up of trains, fine sorting of wagons and all station activities that are performed with the contribution of a shunting foreman shunter and/or shunter (or any other personnel of the infrastructure manager performing the task) ensured by the infrastructure manager irrespectively of the train-category of the train shunted.

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<sup>6</sup> Ineffective from 9 December 2012

Station Executive Instruction of the given station stipulates the minimum number of staff necessary to carry out the shunting activity in question.

Infrastructure Managers provide the service “Ensuring staff for shunting” only in cases when Railway Undertaking orders the minimum number of staff necessary to carry out the shunting activity.

#### **5.4.5 Transport of dangerous goods, exceptional consignment, running of test trains, Ro-La trains**

This service is included in the service “Running of trains”.

#### **5.4.6 Outdoor train acceptance**

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 IT system of the Infrastructure Manager,
- carrying out braked weight calculation, handling of rear light

GYSEV Zrt provides this service in service places and working hours published in Annex 5.4.6.

Beyond the above mentioned, on the basis of a preliminary agreement with Railway Undertakings, GYSEV Zrt provides within this services the followings:

- labelling of railway wagons,
- Checking the existence of wagon lock, in case of lack or damage, replacement of wagon lock .

#### **5.4.7 Ensuring of traction unit for shunting**

The service comprises:

- ensuring of traction unit for shunting,
- ensuring of driving crew operating the traction unit

Infrastructure manager ensures traction unit in service places and working hours indicated in Annex 5.4.4. Traction unit ensured by the infrastructure manager cannot be ordered without the ensuring of the shunting crew by the infrastructure manager.

Track-change of vehicles, forwarding of vehicles to the delivery point of stations or to privately owned railway networks branching from the station, detaching of wagons from trains or inserting of wagons into trains, train formation, splitting-up of trains, fine sorting of wagons and all station activities that are performed with the contribution of traction units ensured by the infrastructure manager, are qualified as the service “Ensuring of traction unit for shunting”.

#### **5.4.8 Ensuring of staff by infrastructure manager for weighing**

The service comprises:

- carrying out of weighing of wagons at service locations and in service hours published in Annex 5.4.8. -

GYSEV Zrt. does not provide this service.

#### **5.4.9. Exchange of axles**

The service comprises:

- exchanging of bogies of different gauges of vehicles,
- technical inspection of vehicles after the exchange of bogies

GYSEV Zrt does not provide this service.

#### **5.4.10 Use of bogies**

The service comprises:

- use of bogies

GYSEV Zrt does not provide this service.

### **5.5 Ancillary services**

Services listed in Annex 3 point IV of the Railway Act.

Infrastructure Managers do not provide ancillary services listed by Annex 3 point IV of the Railway Act.<sup>7</sup>

MÁV Zrt does not provide the ancillary service listed by Annex 3 point IV of the Railway Act.<sup>8</sup>

#### **5.5.1 Technical inspection of railway vehicles<sup>9</sup>**

The service comprises:

- technical inspection of railway vehicles

GYSEV Zrt provides this service in service places and working hours defined by Annex 5.5.1.

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<sup>7</sup> Ineffective from 9 December 2012

<sup>8</sup> Effective from 9 December 2012

<sup>9</sup> Effective from 9 December 2012

## 6. CHARGES

### 6.1 Charging principles

VPE prepared by 31 August 2008 the Charging Methodology (hereinafter called DM) - as Annex 6.1-1 to this Network Statement - in compliance with the Joint Decree No 83/2007 (X 6) GKM-PM on the frameworks of the network access charging system and basic regulations of forming and adapting of network access charges.

Determination of the concrete network access charges for the given timetable year shall be carried out by VPE on the basis of DM and fact data of the last closed business year of the infrastructure managers.

Charging Document (Annex 6.1-2 to this Network Statement) contains calculations relating to the determination of network access charges and data for calculations.

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

- Since no environmental mark-up is levied on activities of competing transport modes of the field equivalent to the open access railway network (Directive 2001/14/EC Article 7 (5)), Railway Undertakings need not pay any environmental mark-ups in connection with environmental effects resulting from railway transport for railway infrastructure sections and for train operation modes qualified as particularly harmful to environment.
- No mark-ups shall be levied to Railway Undertakings because of congestion on a railway network. (Directive 2001/14/EC, Article 7 (4)).

In the Network access charging system non-discriminative access charges are published to the different authorised providing services of the same nature in comparable segments of traffic market.

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

#### 6.1.1 Charges 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.

##### 6.1.1.1 Use of train paths

Train path relates exclusively to the length of time defined in the train path allocation which is necessary for a train-run between two points. Consequently, any changes occurred in the route and time data of the train path, in services ordered simultaneously with the train path and influencing the route or 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 Railway Undertaking the train can also start within a timeframe of 24 hours subject to the application of rules of the Performance Regime on the basis of the originally allocated train path, and can run in the route as allocated in the train path if traffic conditions makes it possible.

Should the train during its run exceed time data of the originally allocated train path by more than 24 hours, or in case of an short term train path the stoppage time of a train at a station is more than 24 hours beyond the scheduled stoppage time, the train is not allowed to run using the allocated train path.

#### **A) Charge for ensuring of train path**

Charge to be paid when using the service defined in point 5.2.1.

Measure unit: HUF/train path. Tariffs can be seen in table 6.3.1.1.

Charge for ensuring of train path must be paid only once for one train path also in the case when the train path requested relates to the networks of more than one infrastructure managers covered by DM.

In this case the charge to be paid will be determined in accordance with charging rules concerning the infrastructure manager operating the origin station.

Should the infrastructure manager enable the use of the train path allocated to the Railway Undertaking in a train-run under more than one train number (changing of train numbers), the charge for ensuring the train path shall be levied only once.

The fee for ensuring of train path shall be charged to the Railway Undertaking only if the train (vehicle) has really run.

#### **B) Charge for running of trains**

Charge to be paid for the use of service defined in point 5.5.2, and accounted on the basis of effectively performed train kilometres and gross ton kilometres. Tariffs can be seen in tables 6.3.1.2-1, 6.3.1.2-2, 6.3.1.2-3 and 6.3.1.2-4.

Element of the fee of running of trains calculated on the basis of train kilometres shall be charged in 3 line categories and for the following train categories (published in HUF/train km measure unit):

- Passenger trains (trains of train category A, B and C listed in Annex 4.3-2.
- freight trains (trains of train category D listed in Annex 4.3-2),
- loco trains (trains of train category E listed in Annex 4.3-2, irrespectively of line categories).

Element of the fee for running of trains calculated on the basis of gross ton kilometres shall be charged irrespectively of the category of line/train (announced in HUF/gross ton kilometre measuring unit).

The categorisation system of the individual network elements (railway lines/line sections,) is different for passenger and freight transport.

#### **6.1.2 Charge of supplementary services**

##### ***6.1.2.1 Charge for the use of catenary***

Charge to be paid in the case of using the service defined in point 5.3.1.

*Measure unit:* HUF/electrical train kilometre. Tariffs can be seen in tables 6.3.2.1 and 6.3.2.2.

##### ***6.1.2.2 Charge for access to refuelling facilities***

Charge to be paid in the case of using the service defined in point 5.3.2.

*Measure unit:* HUF/liter. Tariffs can be seen in table 6.3.2.1.

##### ***6.1.2.3. Charge for access to stations for passenger trains***

- ***Charge for the use of stations by passenger trains for stopping:***

Infrastructure manager shall ensure the stopping service set out in point 5.3.3.1 for passenger trains (train categories A, B) on payment of charge for stopping which diverges per station category. The fee for stopping shall be charged for each stopping of passenger trains, inclusive of origin and destination stations.

*Measure unit:* HUF/use of station. For tariffs see tables 6.3.2.1 and 6.3.2.2.

- ***Charge for the use of origin/destination stations by passenger trains***

Infrastructure manager shall ensure the services set out in point 5.3.3.2 for passenger and empty trains (train categories A, B, C) 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 four 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/use of station. For tariffs see tables 6.3.2.1 and 6.3.2.2.

For trains reversing direction at a station in closed sets, no fee for the use of origin/destination station shall be charged. Definition of a train reversing direction in a closed set can be seen in Annex 1.10.

**6.1.2.4 Charge for access to stations for freight trains**

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

For freight trains (train category D) in case of using services defined in point 5.3.4.1 a fee corresponding to the station category of the first/last station of the actual train path shall be charged by the infrastructure manager.

*Measure unit:* HUF/use of station. For tariffs see tables 6.3.2.1 and 6.3.2.2.

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

For freight trains (train category D) in case of using services defined in point 5.3.4.2 a fee corresponding to the station category of the station concerned shall be charged by the infrastructure manager.

*Measure unit:* HUF/use of station. For tariffs see tables 6.3.2.1 and 6.3.2.2

If the applicant refers to the train path identifier when it indicates access to the commercial sidings and the attached loading places on the railway network of MÁV Zrt., the charge of the use of origin/destination station or the use of intermediate station in the referred train path, includes the access to the commercial sidings and the attached loading places. If the applicant does not refer to the train path identifier, then at the time of the indication it orders the use of origin/destination station service for marshalling yards with loading places published in Annex 3.8.2, and for any other service places the use of intermediate station service as well.

The marshalling yards are listed under point 5.3.5.

**6.1.2.5 Charge for access to marshalling yards**

Charge for access to marshalling yards is included in the charge for use of stations listed in points 6.1.2.3 and 6.1.2.4.

**6.1.2.6 Charge for access to train formation facilities**

Charge for access to train formation facilities is included in the charge for use of stations listed in points 6.1.2.3 and 6.1.2.4.

**6.1.2.7 Charge for the storage of vehicles:**

Charge to be paid for the use of the service set out in point 5.3.7.

*Measure unit:* HUF/vehicle/ day. For tariffs see tables 6.3.2.1 and 6.3.2.2

Charge shall be paid for a storage beyond 24 hours; every commenced 24-hour period counts as a whole day. The first 24 hours are free of charge. The fee for the storage of vehicles shall be paid by the Railway Undertaking transporting the vehicle to this given storage place..

**6.1.2.8 Charge for access to wagon weigh bridges:**



Charge to be paid in the case of use of the service defined in point 5.3.8.1.

*Measure unit: HUF/ vehicle. For tariffs see table 6.3.2.1 and 6.3.2.2.*

When using this service at origin/ destination stations, also the charge of the service „Use of origin/destination stations by freight train” must be paid, or, at intermediate stations, also the charge of the service „Use of intermediate station by freight trains” must be paid depending on the fact whether the station concerned - from the point of view the train path - is considered to be an origin/destination or an intermediate station.

#### **6.1.2.9 Charge for ensuring of staff**

Charge to be paid in the case of use of the service defined in point 5.3.8.2.

*Measure unit: HUF/hour/person. For tariffs see table 6.3.2.1 and 6.3.2.2.*

#### Accounting of this charge regarding MÁV Zrt.:

Charging for the service shall be in a measure unit of HUF/hour/person based on the request. 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. In case of suspension of service interruption, if a 4-hour-long service interruption can not be ensured after using this service, the entire duration of time but at least 4 hours/person shall be charged.

#### Accounting of this charge regarding GYSEV Zrt

Charging for the service shall be in a measure unit of HUF/hour/person based on the request. The effective time used shall be charged but in the case of suspending of service stopping a minimum performance of 4 hours/person, in the case of suspension of service interruption a minimum performance of 2 hours/person shall be charged.

#### **6.1.2.10 Charge of access to rail rolling stock maintenance facilities<sup>10</sup>**

Charge to be paid for the use of the service defined in point 5.3.8.3.

*Measure unit: HUF/hour. For tariffs see table 6.3.2.2.*

#### **6.1.3 Charge for supplementary services**

See provisions defined in point 6.1.2.

#### **6.1.4 Charge for additional services**

##### **6.1.4.1 Charge for ensuring of traction current**

Charge to be paid for the service defined in point 5.4.1.

*Measure unit: HUF/kWh. Charge items can be seen in Table 6.3.4.1*

The charge comprises four charge items:

- charge of the transmitted traction current
- charge of the use of the system (transmitted service)

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<sup>10</sup> Effective from 9 December 2012

- charge of the network loss of the transmitted traction current
- other operational charges

When using this service, all the four charge items will jointly be invoiced.

#### **6.1.4.2 Charge for ensuring fuel for traction**

Charge to be paid in the case of use of the service defined in point 5.4.2.

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

#### **6.1.4.3 Charge for other energy supply**

##### **6.1.4.3.1 Charge of water used for water supply**

Charge to be paid in the case of use of service defined in point 5.4.3.

Measure unit: HUF/ m<sup>3</sup>. For tariffs see table 6.3.4.2.

##### **6.1.4.3.2 Charge of electric energy used for other than traction purposes (preheating, precooling)**

Charge to be paid in the case of use of the service defined in point 5.4.3.2.

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

The charge comprises four different charge elements.

- charge of the transmitted electric energy used for other than traction purposes (preheating, precooling)
- charge of the use of the system (transmitted service)
- charge of the network loss of the transmitted electric energy used for other than traction purposes
- other operational charges

When using this service, all the four charge elements shall jointly be invoiced.

#### **6.1.4.4 Charge for ensuring of shunting staff**

Charge to be paid for the use of service defined in point 5.4.4

Measure unit: HUF/person/hour. For tariffs see table 6.3.4.1 and 6.3.4.2.

The pure (net) time of shunting must be accounted as time data for ensuring of shunting staff that is effectively used for carrying out the given shunting activity. If the service 'Ensuring of shunting staff' for any reason consists of more than one actions (stopping of shunting due to train movements or other reasons) the total time need of the individual actions shall be accounted even in the case when individual actions are carried out not in a succession but with breaks.

If during one shunting activity the splitting-up/formation of more than one train is carried out and shunting time used can not be directly connected to certain trains, time basis needed for ensuring of shunting staff must be distributed on the grounds of the number of wagons inserted to or detached from the individual train.

If a train forwards such vehicles which were/ will be previously/ later transported by using train paths allocated to different Railway Undertakings and shunting time

used can not be directly connected to certain trains, time need necessary for ensuring shunting staff shall be shared by Railway Undertakings having the allocated service capacity in proportion of number of vehicles affected by shunting.

Definitions of the most important notions necessary to better understand the notion of pure (net) working time connected to the shunting activity can be found in Instructions as follows:

| Notion   | Where to find definition                      |
|--|---|
| Shunting   | F.2. Instruction, points 1.2.106              |
| Notice on permitting of shunting                                       | F.2. Instruction, points 4.1.3. - 4.1.3.5     |
| Stop and re-start shunting   | F.2. Instruction, points 4.1.4. - 4.1.4.1.    |
| Tasks of shunting master   | F.2. . Instruction, points 4.1.6. - 4.1.6.2.. |
| Obligation of shunting staff   | F.2. . Instruction, points 4.1.7. - 4.1.7.3.  |
| Coupling with screw link   | F.2. . Instruction, point 7.3.6.              |
| Staff obliged to carry out coupling                                    | F.2. . Instruction, point 7.10.4.             |
| Taking-over of train, person to loosen screw                           | F.7. . Instruction, point 78.                 |
| Shunting activity with air brake                                       | E.2. . Instruction, sub-chapter 5.4.          |
| Protection against breaking away of vehicles after completing shunting | F.2. . Instruction, sub-chapter 5.            |

Charge of the service “Ensuring of shunting staff” is published separately for passenger trains (A,B,C train categories) and for freight and loco trains (D,E train categories).

In terms of GYSEV Zrt, when ensuring shunting personnel in service locations other than listed in Annex 5.4.4, the effective time (availability time) lasting from the departure of shunting personnel from the depot station to returning back of shunting personnel to the depot station shall be charged to Railway Undertakings. When confirming the requested service, GYSEV Zrt shall simultaneously give information about the length of the availability time to be expected.

#### **6.1.4.5 Charge of issuing permissions for forwarding exceptional consignments**

Charge of the service is included in the charge of “Running of trains”

#### **6.1.4.6 Charge of staff for train acceptance**

Charge to be paid for service defined in point 5.4.6.

Measure unit: HUF/person/hour. For tariffs see tables 6.3.4.1 and 6.3.4.2.

#### **6.1.4.7 Charge for ensuring of traction unit for shunting**

Charge to be paid for the use of service defined in point 5.4.7.

Measure unit: HUF/vehicle/hour. For tariffs see tables 6.3.4.1 and 6.3.4.2.

The clear (net) time of shunting must be accounted as time data for ensuring of traction unit that is effectively used for carrying out the given shunting activity. If the service ‘Ensuring of traction unit’ by any reason consists of more than one actions (stopping of shunting due to train movements or other reasons) the total

time need of the individual actions shall be accounted even in the case when individual actions are carried out not in a succession but with breaks.

If during one shunting activity the splitting-up/formation of more than one train is carried out and shunting time used can not directly be connected to certain trains, time basis needed for ensuring of shunting locomotive must be distributed on the ground of the number of wagons inserted to or detached from the individual train.

If a train forwards such vehicles which were/will be previously/later transported by using train paths allocated to different Railway Undertakings and shunting time used can not be directly connected to certain trains, time need necessary for ensuring shunting locomotive shall be shared by Railway Undertakings having the allocated service capacity in proportion of number of vehicles affected by shunting.

Charge of the service “Ensuring of traction unit for shunting” is published separately for passenger trains (A,B,C train categories) and for freight and loco trains (D,E train categories).

***6.1.4.8 Charge of staff ensured by the infrastructure manager for weighing***

Charge to be paid for the use of service defined in point 5.4.8.

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

***6.1.4.9 Charge for exchange of axles***

Charge to be paid for the use of service defined in point 5.4.9.

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

Charge for exchange of axles contains both the exchange of bogies from standard gauge to broad gauge and the exchange of bogies from standard gauge to broad gauge.

***6.1.4.10 Charge for the use of bogies***

Charge to be paid for the use of the service defined in point 5.4.10.

Measure unit: HUF/hour/bogie. For tariffs see table 6.3.4.1.

***6.1.5 Charge of ancillary services***

Infrastructure managers do not provide any ancillary service listed by Annex 3 point IV of the Railway Act.<sup>11</sup>

MÁV Zrt does not provide the ancillary service listed by Annex 3 point IV of the Railway Act.<sup>12</sup>

***6.1.5.1 Charge of the use of the service Technical inspection of railway vehicles<sup>13</sup>***

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<sup>11</sup> Ineffective from 9 December 2012

<sup>12</sup> Effective from 9 December 2012

<sup>13</sup> Effective from 9 December 2012

Charge to be paid for the use of the service defined in point 5.5.1.

*Measure unit: HUF/train.* For tariffs see table 6.3.5.1.

## 6.2 Charging system

Charging system used for the railway network of MÁV Zrt. and GYSEV Zrt is contained by Charging Methodology (Annex 6.1.1 to this Network Statement) prepared in compliance with the Joint Decree No 83/2007 (X 6)GKM-PM on frameworks of the network access charging system, and basic regulations of determination and implementation of network access charges.

Detailed calculations related to the determination of network access charges and data for the calculations can be found in Charging Document (Annex 6.1.2 to this Network Statement).

## 6.3 Charges

Rating of track sections and service locations into charge categories for certain services can be found in Annexes 6.3-1 and 6.3-2.

### 6.3.1 Charges of basic services

#### 6.3.1.1 Charges of ensuring of train path

##### *Charge of ensuring of train path*

*Table 6.3.1.1*

| Charge for ensuring of train path (HUF/train path) |     |
|--|-----|
| On the network of MÁV Zrt.                         | 572 |
| On the network of GYSEV Zrt.                       | 377 |

#### 6.3.1.2 Charges for running of trains

##### *Train kilometre based charges for running of trains on the network of MÁV Zrt*

*Table 6.3.1.2-1*

| Charge of running of trains (HUF/train km)) | Line section Category I | Line section Category II | Line section Category III |
|---|-------------------------|--------------------------|---------------------------|
| a) Passenger trains (A, B, C)               | 375                     | 315                      | 126                       |
| b) Freight trains (D)                       | 391                     | 370                      | 200                       |
| c) Loco trains (E)                          | 371                     |                          |                           |

##### *Gross ton kilometre based charges for running of trains on the network of MÁV Zrt*

*Table 6.3.1.2-2*

| Charge for running of trains  | HUF/ gross ton km |
|-------------------------------|-------------------|
| a) Passenger trains (A, B, C) | 0,23              |
| b) Freight trains (D)         |                   |

|                    |  |
|--------------------|--|
| c) Loco trains (E) |  |
|--------------------|--|

**Train kilometre based charges for running of trains on the network of GYSEV Zrt**

Table 6.3.1.2-3

| Charge of running of trains (HUF/train km)) | Line section Category I | Line section Category II | Line section Category III |
|---|-------------------------|--------------------------|---------------------------|
| a) Passenger trains (A,B,C)                 | 377                     | 372                      | 362                       |
| b) Freight trains (D)                       | 262                     | 260                      | 160                       |
| c) Loco trains (E)                          | 368                     |                          |                           |

**Gross ton kilometre based charges for running of trains on the network of GYSEV Zrt**

Table 6.3.1.2-4

| Charge for running of trains  | HUF/ gross ton km |
|-------------------------------|-------------------|
| a) Passenger trains (A, B, C) | 0,23              |
| b) Freight trains (D)         |                   |
| c) Loco trains (E)            |                   |

**6.3.2 Charges for 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 km) |    |
|---|----|
| Charge for the use of catenary                            | 57 |

| 2. Charge for the access to refuelling facilities (HUF/vehicle) |    |
|---|----|
| Charge for the access to refuelling facilities                  | 22 |

| 9 Charge for the use of stations for stopping (HUF/use of station) |       |
|--|-------|
| <i>Passenger trains (A,B)</i>                                      |       |
| at stations of category I  | 3 540 |
| at stations of category II   | 2 800 |
| at stations of category III  | 1 900 |
| at stations of category IV   | 1 700 |

| 10 Charge for the use of origin/destination stations (HUF/use of station) |       |
|---|-------|
| <i>Passenger trains (A,B,C)</i>   |       |
| at stations of category I   | 2 270 |
| at stations of category II  | 1 810 |
| at stations of category III   | 905   |
| at stations of category IV  | 905   |

| <b>5 Charge for the use of origin/destination stations (HUF/use of station)</b> |       |
|---|-------|
| <b>Freight trains (D)</b>   |       |
| at stations of category I   | 4 500 |
| at stations of category II  | 2 000 |
| at stations of category III   | 600   |

| <b>6 Charge for the use of intermediate stations (HUF/use of station)</b> |       |
|---|-------|
| <b>Freight trains (D)</b>   |       |
| at stations of category I   | 3 400 |
| at stations of category II  | 2 400 |
| at stations of category III   | 1 400 |

| <b>7. Charge for the storage of vehicles (HUF/vehicle/day)</b> |     |
|--|-----|
| Charge for the storage of vehicles                             | 162 |

| <b>8. Charge for ensuring access to wagon weigh bridges (HUF/wagon)</b> |       |
|---|-------|
| Charge for ensuring access to wagon weigh bridges                       | 2 340 |

| <b>9. Charge for ensuring of staff (HUF/person/hour)</b> |     |
|--|-----|
| Charge for ensuring of staff                             | 404 |

#### 6.3.2.2 Charges of supplementary service provided on the network of GYSEV

##### Charges of supplementary services provided on the network of GYSEV Zrt

Table 6.3.2.2

| <b>1. Charge for the use of catenary (HUF/electric train km)</b> |     |
|--|-----|
| Charge for the use of catenary                                   | 180 |

| <b>2. Charge of the access to refuelling facilities (HUF/liter)<sup>14</sup></b> |    |
|--|----|
| Charge for the access to refuelling facilities                                   | 10 |

| <b>3. Charge for the use of stations for stopping (HUF/use of station)</b> |       |
|--|-------|
| <b>Passenger trains (A,B)</b>  |       |
| at stations of category I  | 2 273 |
| at stations of category II   | 2 134 |
| at stations of category III  | 1 766 |

| <b>4. Charge for the use of origin/destination stations (HUF/use of stations)</b> |       |
|---|-------|
| <b>Passenger trains (A,B,C)</b>   |       |
| at stations of category I   | 2 300 |
| at stations of category II  | 1 950 |
| at stations of category III   | 1 600 |

<sup>14</sup> Effective from 9 December 2012

| 5. Charge for the use of origin/destination stations (HUF/use of stations) |       |
|--|-------|
| <b>Freight trains (D)</b>  |       |
| at stations of category I  | 6 000 |
| at stations of category II   | 4 500 |
| at stations of category III  | 3 000 |

| 6. Charge for the use of intermediate stations (HUF/use of station) |       |
|---|-------|
| <b>Freight trains (D)</b>   |       |
| at stations of category I   | 3 000 |
| at stations of category II  | 2 250 |
| at stations of category III   | 1 500 |

| 7. Charge for the storage of vehicles (HUF/vehicle/day) |     |
|---|-----|
| 183   | 193 |

| 8. Charge for ensuring access to wagon weigh bridges (HUF/wagon) |       |
|--|-------|
| Charge for ensuring access to wagon weigh bridges                | 1 398 |

| 9. Charge for ensuring of staff (HUF/person/hour) |       |
|---|-------|
| Charge for ensuring of staff                      | 2 321 |

| 10. Charge of access to rail rolling stock maintenance facilities (HUF/hour) <sup>15</sup> |       |
|--|-------|
| Charge of access to rail rolling stock maintenance facilities                              | 1 526 |

### 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

| Name of the service  | HUF  |
|--|------|
| 1) Charge for ensuring of current for traction(HUF/kWh)              |      |
| Charge of transmitted traction current                               | 21,2 |
| Charge of system-use (HUF/kWh)                                       | 3,2  |
| Charge of the network loss of transmitted traction current (HUF/KWh) | 2,7  |
| Other operational charge (HUF/KWh)                                   | 0,03 |
| 2) Charge of ensuring of fuel for traction (HUF/l)                   | 291  |

<sup>15</sup> Effective from 9 December 2012



|  |        |
|--|--------|
| 3) Charge for ensuring of electric energy used for other than traction purposes (Preheating, precooling) (HUF/kWh)     |        |
| Charge of transmitted electric energy used for other than traction purposes (for preheating, precooling) (HUF/KWh)     | 21,2   |
| Charge of the use of the system (HUF/KWh)  | 3,2    |
| Charge of the transmitted electric energy used for other than traction purposes (for preheating, precooling) (HUF/KWh) | 2,7    |
| Other operational charge (HUF/KWh)   | 0,04   |
| 4) Charge for ensuring shunting staff for passenger trains (HUF/person/hour)   | 10.142 |
| 5) Charge for ensuring shunting staff for freight and loco trains  | 4 049  |
| 6) Charge of staff for train acceptance (HUF/person/hour)  | 3 773  |
| 7) Charge for ensuring traction unit for shunting of passenger trains (HUF/vehicle/hour)                               | 31 749 |
| 8) Charge for ensuring traction unit for shunting of freight and loco trains   | 21 979 |
| 9) Charge of staff of IM ensured to weighing (HUF/vehicle)   | 827    |
| 10) Charge for exchanging of axles (HUF/vehicle)   | 54 300 |
| 11) Charge for the use of bogie (HUF/hour/bogie)   | 33     |

#### 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

| Name of the service   | HUF   |
|---|-------|
| 1) Charge of ensuring traction current (HUF/kWh) <sup>16</sup>  |       |
| Charge of transmitted traction current (HUF/kWh)  | 18,8  |
| Charge of system use (HUF/kWh)  | 3,1   |
| Charge of the network loss of transmitted traction current (HUF/KWh)  | 1,7   |
| Other operational charge (HUF/kWh)  | -     |
| 2) Charge of ensuring of fuel for traction (HUF/l) <sup>17</sup>  | 305   |
| 3) Charge of ensuring of electric energy used for other than traction purposes (Preheating, precooling) (HUF/kWh) <sup>18</sup> |       |
| Charge of transmitted electric energy used for other than traction purposes (for preheating, precooling) (HUF/KWh)              | 18,8  |
| Charge of the use of the system (HUF/KWh)   | 3,1   |
| Charge of the transmitted electric energy used for other than traction purposes (for preheating, precooling) (HUF/KWh)          | 1,7   |
| Other operational charge (HUF/KWh)  | -     |
| 4) Fee of water for water supply (HUF/m <sup>3</sup> )  | 309   |
| 5) Charge for ensuring shunting staff for passenger trains (HUF/person/hour)  | 4 892 |

<sup>16</sup> Effective from 9 December 2012.

<sup>17</sup> Effective from 9 December 2012

<sup>18</sup> Effective from 9 December 2012

|   |        |
|---|--------|
| 6) Charge for ensuring shunting staff for freight and loco trains (HUF/person/hour)         | 2 640  |
| 7) Charge for staff for train acceptance (HUF/person/hour)                                  | 4 376  |
| 8) Charge for ensuring of traction unit for shunting of passenger trains (HUF/vehicle/hour) | 13 106 |
| 9) Charge for ensuring of traction unit for shunting of freight and loco trains             | 12 500 |

### 6.3.5 Charges of ancillary services

Infrastructure Managers do not provide ancillary services defined by Railway Act in Annex 3, point IV.<sup>19</sup>

MÁV Zrt does not provide ancillary services defined by Railway Act in Annex 3, point IV.<sup>20</sup>

#### 6.3.5.1 Charges of ancillary services provided on the track network of GYSEV Zrt.<sup>21</sup>

##### *Charge of ancillary services on the track network of GYSEV Zrt*

Table 6.3.5.1

| Name of the service   | HUF   |
|---|-------|
| 1 .Charge of technical inspection of railway vehicles (HUF/train) | 6 400 |

### 6.4 Performance regime

Introduction of the Performance Regime is regulated by Paragraph 34 of Decree of the Minister of Economy and Transport (XII 22)GKM on detailed rules of open access to railway network.

In order to minimize network disturbances and to improve the performance of the railway network, VPE has established a Performance Regime that applies the same principle for the entire railway network.

Elements of the Performance Regime that apply to both the infrastructure managers and the Railway Undertakings are penalties on actions which disrupt the operation of the network and bonuses that reward better than planned performance. Penalty unambiguously concerns network disturbances caused by the infrastructure manager or by any of the Railway Undertakings.

Performance Regime comprises proportionate elements as for the infrastructure manager and the Railway Undertaking.

<sup>19</sup> Ineffective from 9 December 2012

<sup>20</sup> Effective from 9 December 2012

<sup>21</sup> Effective from 9 December 2012

VPE determines the extent of the elements of the Performance Regime and also the condition of the usage of the incentive elements in such a way that bonuses coming from the operation of the Performance Regime should be proportionate to the expenditures of the operation, and the administrative costs of identification of network disturbances should not exceed penalties for causing network disruption. Performance Regime takes into account railway network capacity that was used in another way than it was requested, and prefers those Railway Undertakings who used in reality the network capacity better than the threshold of punctuality. Bonuses and penalties defined in accordance with the Performance Regime may be accounted also within the framework of the network access charge accounting, however, they must not be involved in the adjustment of damages caused by network disturbances.

In every year, for every timetable year, with the involvement of the infrastructure manager, the Railway Undertakings and the rail regulatory body, VPE evaluates the experiences of the applied Performance Regime, particularly its effect on minimizing network disruptions.

Performance Regime covers:

- punctuality of a train run compared to the timetable of the allocated train path
- surplus payment obligation depending on the date of requesting the train path in order to achieve an adequate planning of train paths
- cancellation fees
- incentive element supporting environmentally friendly mode of transportation
- and other quality parameters relevant to train runs (inter alia. in order to facilitate a better temporal planning of services).

## **6.5 Charging system and changes to be expected in charges**

Based on the principle of transparency, the establishment of the charging structure unambiguously and verifiably defines scope of costs and expenses relating to services, disposes of their distribution to the smallest elements of the railway network. Calculation of charge items reflecting costs will happen on the basis of cost data and planned data of performance delivered by the infrastructure managers. Charges to be paid will be defined by taking into consideration the contribution of the State as it is known at the moment of calculating charges.

Charging Methodology and Charging Document as Annexes to the Network Statement enable examination in details of calculation methodology of tariffs to be paid by the Railway Undertakings and of data as basis for calculations.

Detailed rules of the revision of charges can be found in the Charging Methodology.

## 6.6 Invoicing arrangement

Basis of accounting is the capacity allocated in accordance with provisions of Para 64 (3) points a) and b) of the Railway Act.

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

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

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

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

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 offer of the capacity allocating body given on the basis of requests of the Railway Undertakings.