

## **Legislative references related to the Performance Regime**

### **I. Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the safety certificate and the use of railway infrastructure**

In accordance with the Directive 2001/14/EC (hereinafter Directive) it is desirable to ensure adequate incentives for railway undertakings and infrastructure managers to minimise network disruption and to improve performance.

To carry out the aim mentioned above, Article 11 of the Directive sets up rules for Performance Regime as follows:

- (1) Infrastructure charging schemes shall through a performance scheme encourage railway undertakings and infrastructure manager to minimise disruption and improve the performance of the railway network. This may include penalties for actions which disrupt the operation of the network, compensations for undertakings which suffer from disruption and bonuses that reward better than planned performance.
- (2) The basic principles of the performance scheme shall apply throughout the network.

### **II. Act CLXXXIII of 2005 on railway transport**

55/A. § (1) Charging system for the network access together with the performance regime shall encourage authorised applicants and infrastructure manager of the railway network to minimise disruption and improve the performance of the railway network.

- (2) Performance regime shall be determined by the infrastructure manager but if the infrastructure manager of the railway network is not independent, by the rail capacity allocation body.



- (3) Basic principles of the performance regime shall equally apply to the entire railway network.
- (4) Basic principles of the performance regime and basic rules relating to the performance regime shall be determined by the minister.

### **III. Decree No 101/2007 (XII 22) GKM of the Minister of Economy and Transport on detailed regulations of open access to railway network**

#### **34. § (1)-(6):**

(1) In order to minimise network disruptions and to improve the performance of the railway transport, rail capacity allocation body shall establish a performance regime, basic principle of which shall equally apply to the entire railway network.

(2) Elements of the performance regime relating to infrastructure manager and authorised applicants may particularly be financial penalties imposed because of actions causing network disruptions, and bonuses given for a better than planned performance. Financial penalties are unambiguously bound to a network disruption caused by an infrastructure manager or an authorised applicant. Performance Regime contains elements in parity for infrastructure manager and authorised applicant.

(3) Rail capacity allocation body shall determine the extent of elements of the Performance Regime and conditions for their use in such a way that bonuses resulting from the operation of the Performance Regime are in parity with the expenditures of the operation, and the administrative costs of identifying the reasons for the network disruption do not exceed the financial penalty imposed for causing the network disruption.



(4) Performance Regime shall take into account rail network capacity used differently from what was required, and favours the authorised applicants who used in reality the railway network capacity better than the punctuality threshold determined in the Network Statement.

(5) Financial penalties and bonuses determined on the basis of the performance regime can be settled also in the course of accounting of the track access charges, but they are not allowed to be involved in the compensation of damages resulted from network disruptions.

(6) With the involvement of the railway operation body, the infrastructure manager and authorised applicants, capacity allocation body shall evaluate for every timetable year the experience gained from the applied performance regime, so particularly its effect on the reduction of network disruptions.