

## Modifications

### TEXT

1. The concept “applicant” has been introduced in the document, which covers both the Railway Undertakings and the authorised applicants.

## **2. III. Principles of the Performance Regime**

The following modifications were introduced:

Regarding the incentive schemes with kilometre-based accounting, the charging kilometre is taken as the base for accounting.

From accounting point of view exclusively Infrastructure Managers and authorised applicants are in legal relationship with each other.

As long as the request for rail capacity is submitted by an authorised applicant determined in Paragraph 2 Section (5) point 22 of the Railway Act but the capacity is used by a Railway Undertaking designated for using railway capacity by the authorised applicant, financial compensations and penalties emerging from the incentive scheme can be claimed by/from the Railway Undertaking designated by the authorised applicant.

If the request for rail capacity is submitted by an authorised applicant but the train path is not used, the payment obligation is imputable and compensation can be determined if they are included in the framework contract concluded between the authorised applicant and the Infrastructure Manager as it is indicated in Paragraph 54/A of the Railway Act in order to ensure the basic principles set out in Paragraph 55/A Section (3) of the Railway Act.

## **3. IV. Elements of the Performance Regime**

The following modification was made:

### **e. Calculation Methodology**

After the subtraction, value of deviation from the remaining positive facts given in minutes shall be linked to the causers of the delay in accordance with the split of the ~~total~~ delay **left and needs to be accounted**.

## **4. IV.1.3 Division of tasks in connection with the incentive scheme**

The following modification was made:

Infrastructure Manager shall deliver data to VPE in order to determine in the calculation methodology one percent of the network access charge (excepting

traction current) to be paid for train run ordered in a certain month by the Railway Undertaking.

#### 5. IV.2.4 Surplus payment obligation depending on the date of submitting the train path request

The following sentence was deleted:

~~In case of completed train run or partly-used train path (cancelled en route), surplus payment obligation shall be determined based on the fact data of the train.~~

#### 6. IV.2.5 Surplus payment obligation and the methodology of accounting of financial compensation in case of annual, annual late and mid-term train paths for train category “D”

The following modifications were made:

The accounting of the obligation to pay surpluses which occurs as an element of the Performance Regime takes place simultaneously with the accounting of acknowledged penalties and compensations resulted from the punctuality of trains compared to the allocated train paths, and also together with the accounting of the cancellation fees and but all have to be clearly indicated in the separate invoice attachment if the allocated train path is used.

Surplus obligation may be charged exclusively ~~according to the fact data of the train~~ in those cases when the trains run indeed or the train path is at least partly used. The accounting shall be carried out based on the fact data of the train.

#### 7. IV.2.6 Procedure to be followed in the event of emergency

The following modifications were made:

In case of emergency or extreme weather conditions, Infrastructure Manager is entitled to withdraw the train path requested by the ~~Railway Undertaking applicant~~, thus applicant Railway Undertaking is obliged to request a new train path. Rules of the surplus payment obligation do not apply to the new train paths requested by applicant Railway Undertaking as long as the applicant Railway Undertaking indicates the identification number of the original train path in its new request.

#### 8. IV.2.7 Hypothesis of the incentive scheme and its expected effect

The following modifications were made:

~~Regarding instant train paths requests of train category “A” and “B”, the catalogue train paths have bigger rate than operative train paths. The proportionate of catalogue train paths correlated to the total sum of train path requests for trains that are desired to run in this category is larger than the proportionate of instant~~

~~train paths not belonging to catalogue train paths requested in train category “A” and “B”.~~

~~The proportionate of the number of catalogue train path requests in train category “C”, “D” and “E” correlated to the total sum of train path requests for trains that are desired to run in this category in the timetable period to which the time scope of the Performance Regime applies is larger than the proportionate of the number of instant train path requests not belonging to catalogue train paths requests in train category “C”, “D” and “E” in the timetable period to which the time scope of the Performance Regime applies correlated to the total sum of instant train path requests for trains that are desired to run in this category in the same timetable period.~~

Furthermore, we suppose that in the category of instant train path requests (analysing train categories “A”, “B”, “C”, “D” and “E” separately) catalogue train path requests and requests for timetables constructed based on train path requests have bigger rate than operative train path requests compared to the previous timetable period.

Further aim excepted from the incentive scheme is that in train category “D” at least 35% of the requested and allocated train paths should be submitted to VPE as annual, or annual late or mid-term train path requests.

*b. Defining the proportion of the number of **trains that run based on catalogue train path requests or timetables constructed based on train path requests** in train category “A”, “B” as well as “C”, “D” and “E” correlated to the total number of instant train path requests in the same categories:*

1. Defining the number of **trains that run based on catalogue train paths requests or timetables constructed based on train path requests** for trains desired to run in the particular timetable period (in case of train categories “A”, “B” as well as “C”, “D” and “E”).
2. Defining the number of instant train path requests for trains desired to run in the particular timetable period (in case of train categories “A”, “B” as well as “C”, “D” and “E”).
3. Defining the quotient (in percentage, separately) of the number of **trains that run based on catalogue train path requests or timetables constructed based on train path requests** and the number of instant train path requests for trains that are desired to run in the particular timetable period (in case of train categories “A”, “B” as well as “C”, “D” and “E” defined separately for each of them).

## 9. IV.2.8 Division of tasks depending on the date of requesting the train path

The following modification was made:

Infrastructure Managers shall calculate surplus payment obligations, and shall make the monthly invoicing for authorised applicants by taking into account the surplus payment obligations as well, **which all have to be clearly indicated in the invoice attachment.**

## 10. IV.3.1 The aim of the incentive scheme

The following sentence was deleted:

~~Authorised applicant shall pay a charge for the cancellation of a train path allocated but not used.~~

## 11. IV.3.3 Methodology for accounting **the incentive scheme** ~~of cancellation fees of train paths cancelled sooner~~

The following modifications were made:

**Authorised applicant shall pay a charge for the cancellation of a train path allocated but not used.**

**As long as the request for rail capacity is submitted by an authorised applicant but the train path is not used, the payment obligation is imputable and compensation can be determined if they are included in the framework contract concluded between the authorised applicant and the Infrastructure Manager as it is indicated in Paragraph 54/A of the Railway Act.**

Cancellation fee shall be invoiced - in accordance with banded-distribution set out in the system - by the Infrastructure Manager as an invoice attachment **(where the fee is clearly indicated)** to the invoices of train paths.

Should a train run only on a certain part of the allocated train path for a reason imputable to the ~~Railway Undertaking~~ **applicant**, 30 percent of the charge of running of trains shall be levied as a cancellation fee on the unused part of the train path. **This calculation is based on the fact data recorded at the last station of the train run.**

## 12. IV.3.4 Procedure to be followed in case of emergency

The following modifications were made:

In **case of emergency and extreme weather conditions**, Infrastructure Manager is entitled to withdraw train path requested by the **applicant** ~~Railway Undertaking~~ and allocated by VPE.

### 13. IV.4.1.3 Degree of the financial compensation

The following sentence was deleted:

~~The base of the discount is the gross ton proportionate part of basic service charge paid for the allocated train path.~~

### 14. IV.4.1.4 Conditions of providing the financial compensation

The following modifications were made:

- ~~— Rajka Oh. (08896)~~
- ~~— Óriszentpéter Oh. (07740)~~
- ~~— Sopron határ ((07963)~~
- ~~— Szentgotthárd Oh. (06064)~~
- Óriszentpéter Oh. (07740)
- Rajka Oh. (08896)
- Sopron határ ((07963)
- Szentgotthárd Oh. (06064)

Regarding freight switched over from road to rail for a distance of at least 300 km and freight transportation switched over from road to railway taking place between primary borders points a) and b), freight transportation can be considered as 'switched over from road to railway' if the representative(s) of the applicant Railway Undertaking who is/are authorised to sign, make(s) a written legal declaration to the Infrastructure Manager stating that the freight was transported on road to its destination place in the previous timetable period. To make decision if the authorised applicant is entitled to get the compensation originating from the incentive scheme is in the Infrastructure Manager's scope of authority. On the allocated train path, the quantity of goods transported shall add up to the total quantity of the freight transported by the switch-over from road to railway. The order is considered to come under the scope of the incentive scheme be valid if the authorised applicant submits the order with the identification number of the certificate issued previously by the Infrastructure Manager the legal declaration at the same time with the order as well as other documents required by the Infrastructure Managers and indicates that the train path comes under the scope of the incentive scheme. Train paths ordered and run as RoLA trains undoubtedly come under the scope of the incentive scheme.

c) Transporting freight takes place between primary service places: the train runs between service places belonging to the scope of the incentive scheme for a distance of at least 50 km and with maximum 700 gross ton train load (fulfilling both previously mentioned conditions at the same time). The order is considered to come under the scope of the incentive scheme if the applicant indicates that the train path comes under the scope of the incentive scheme.

The following service places belong to the scope of the incentive scheme:

- ~~— Soroksár-Terminál (11064)~~
- ~~— Soroksári út-Rendező (40196)~~
- ~~— Budaörs (01032)~~
- ~~— Győr (01289)~~
- ~~— Székesfehérvár (03269)~~
- ~~— Debrecen (13912)~~
- ~~— Fényeslitke-Déli rpu. (42127)~~
- Budaörs (01032)
- Debrecen (13912)
- Fényeslitke-Déli rendező (42127)
- Győr-Rendező (01271)
- Soroksár-Terminál (11064)
- Soroksári út rendező (40196)
- Székesfehérvár (03269)

#### 15. IV.4.1.5 Degree of the incentive scheme

The following modifications were made:

In case of incentive elements defined in ~~section a) and b)~~ point IV.4.1.1 **regarding freight switched over from road to rail for a distance of at least 300 km and freight transportation switched over from road to railway taking place between primary borders**, the degree of compensation is accounted in proportion to time. Its aim is that the provided higher degree of **financial compensation** ~~discount~~ at the beginning shall not be ceased without a transition, in the absence of which the intension aiming to keep the freight - once switched-over from road to railway- on rail would fail. The degree of financial compensation can be found in Table 6. **Financial** compensations relating to the following years will be determined by the Performance Regime relating to those particular years.

Table 6

Degree of exemption from the charge of basic services

Compensation period ( <del>from date to date</del> )	Degree of exemption from payment (in % of the basic service charge)
<b>Timetable period of 2014/2015 in the first year</b>	80

In case of incentive element defined in ~~section c)~~ of point IV.4.1.1 **regarding freight transportation between primary service places**, the degree of **financial** compensation is determined depending on the trainload:

- the value of which is 70% of the basic service charge up to 500 gross ton trainload and
- 30% of the basic service charge between 501-700 gross ton trainload.

#### 16. IV.4.1.6 Methodology for accounting the exemption from payment

The following modifications were made:

The incentive scheme of supporting rail transportation can always be regarded as **financial compensation discount** deducted from the sum of money the Railway Undertaking is supposed to pay. When issuing the monthly invoices the Infrastructure Manager takes into account the **compensation discount** given in accordance with the incentive scheme.

Infrastructure Managers check if the conditions are fulfilled or not. ~~i.e. a~~ Accounting of financial compensation may be carried out ~~based exclusively on the fact data of the train run, which is signed on the invoice separately~~ **if the applicant indicates that the request comes under the scope of the incentive scheme. The base of accounting is the charging kilometre distance of the train run. Financial compensation to be accounted shall clearly be indicated in the invoice attachment provided by the Infrastructure Manager.**

**As long as the request for rail capacity is submitted by an authorised applicant but the capacity is used by a Railway Undertaking designated for using railway capacity by the authorised applicant, financial compensations emerging from the incentive scheme can be claimed by the Railway Undertaking designated by the authorised applicant.**

~~In case of incentive element defined in section c) of point IV.4.1.1 the method of calculation is shown by an example presented in Tables 7 and 8.~~

Table 7

~~An example how to count the degree of exemption from the charge~~

<del>Volume of all freight forwarded on the train path:</del>	<del>600 ton</del>
<del>Length of train path between Soroksár Terminál and Székesfehérvár:</del>	<del>81 km</del>
<del>Train km based charge for running of trains:</del>	<del>156 HUF/train km</del>
<del>Gross ton km based charge for running of trains:</del>	<del>0,23 HUF/gross ton km</del>

Calculation:

Table 8

	Formula	Calculation
Base of the discount		
Charge of basic services	charge for 'ensuring of train path' + charge for the train run related to the volume of the freight	$92 + (81 \text{ km} * 156 + 81 * 600 * 0,23) = 23,906 \text{ HUF}$
Total sum of discount	base of discount * percental value of discount related to gross ton	$23,906 * 0,3 = 7,172 \text{ HUF}$

In conclusion the authorised applicant is released from paying HUF 7,172 of the total cost to be paid for basic services.

#### 17. IV.4.1.7 Hypothesis and Expected effect of the incentive scheme facilitating freight transportation

The following modifications were made:

In case of sections a) and b) incentive schemes regarding freight switched over from road to railway for a distance of at least 300 km and freight transportation switched over from road to railway taking place between primary borders, the aim is to get new transports and to switch the road transportation of freight over to rail transportation. As a result rail transportation coming under the scope of the incentive schemes of "freight switched over from road to railway for a distance of at least 300 km" and "freight transportation switched over from road to railway taking place between primary borders" will appear.

In case of section c) freight transportation between primary service places - due to this incentive scheme - , the volume of freight transportation that is demonstrably switched over from road to railway is expected to increase keep its volume compared to the same period of the timetable period of 2013/2014 so it can sustain the volume of freight transportation, which has been implemented so far.



#### 18. IV.4.2.1 Scope of the incentive scheme

The following modification was made:

The incentive scheme of forwarding freight on railway is related to domestic train paths that are ordered by fulfilling the conditions below:

- the length of train path does not exceed 80 charging km,

The order is considered to come under the scope of the incentive scheme if the applicant indicates that the requested train path comes under the scope of the incentive scheme and the train has run that way.

#### 19. IV.4.2.3 The degree of compensation related to the incentive scheme

The following modification was made:

The base of the volume of financial compensation is 15% of the charge paid for the basic service of the train path required by the Railway Undertaking.

#### 20. IV.4.2.4 Methodology for accounting the incentive scheme of single wagon load

The following modification was made:

The incentive scheme of supporting single wagon load can always be regarded as a financial compensation discount deducted from the sum of money the Railway Undertaking is supposed to pay. When issuing the monthly invoices the Infrastructure Manager takes into account the financial compensation discount given in accordance with the incentive scheme.

~~Infrastructure Managers check if the conditions are fulfilled or not i.e. accounting of financial compensation may be carried out based on the fact data of the train run, which is signed on the invoice separately.~~

Infrastructure managers check if the conditions are fulfilled or not. Accounting of financial compensation can only be carried out if the applicant indicates that the request comes under the scope of the incentive scheme. Accounting of financial compensation may be carried out based exclusively on the fact data of the train run. Charging kilometre is used to determine the distance. Financial compensation to be accounted shall clearly be indicated in the invoice attachment provided by the Infrastructure Manager.

As long as the request for rail capacity is submitted by an authorised applicant but the capacity is used by a Railway Undertaking designated for using railway capacity by the authorised applicant, financial compensations emerging from the incentive

scheme can be claimed by the Railway Undertaking designated by the authorised applicant.

21. IV. 4.2.5 **Hypothesis and Expected effect of incentive scheme promoting single wagon load**

22. IV.5.1.3 **Methodology for accounting of incentive scheme related to the more efficient planning of services**

The following modifications were made:

Imposing of surplus payment obligations linked to the services ‘Ensuring of staff’ and ‘Ensuring of shunting staff’ is allowed exclusively for services that were effectively used.

As long as the request for rail capacity is submitted by an authorised applicant but the capacity is used by a Railway Undertaking designated for using railway capacity by the authorised applicant, payment obligation emerging from the incentive scheme can be claimed from the Railway Undertaking designated by the authorised applicant.

The base of counting the surplus payment in case of service of “Ensuring of shunting staff” is the item resulting in higher amount of surplus payment when considering the ordered and registered fact data.

Surplus payment obligation connected to the ensuring of staff required to performing of services shall be set in percentage of the fee to be paid for the service, depending on when the date of the ordering the service takes place compared to the date of using the service. The intention is to achieve that the ordering of the service should happen as soon as possible safeguarding this way that also the arrangement of the staff necessary to perform the service should take place in due time without any extra costs.

Infrastructure Manager shall invoice to Railway Undertakings cancellation fees related to ensuring of staff and ensuring of shunting staff in accordance with banded-distribution set out in the system. **Cancellation fees have to be clearly indicated in the invoice attachment.**

As long as the request for rail capacity is submitted by an authorised applicant but the train path is not used, the payment obligation is imputable and compensation can be determined if they are included in the framework contract concluded between the authorised applicant and the Infrastructure Manager as it is indicated in Paragraph 54/A of the Railway Act.

~~Surplus payment obligation connected to the ensuring of staff required to performing of services shall be set in percentage of the fee to be paid for the service, depending on when the date of the ordering the service takes place compared to the date of using the service. The intention is to achieve that the~~

~~ordering of the service should happen as soon as possible safeguarding this way that also the arrangement of the staff necessary to perform the service should take place in due time without any extra costs. Imposing of surplus payment obligations linked to the services 'Ensuring of staff' and 'Ensuring of shunting staff' is allowed exclusively for services that were effectively used. The base of counting the surplus payment in case of service of "Ensuring of shunting staff" is the item resulting in higher amount of surplus payment when considering the ordered and registered fact data.~~

### 23. IV.5.2.1 Scope of the incentive scheme

The following modifications were made:

Public loading sidings and loading areas belonging to these sidings **at the service places** listed below and also in Annex 3.8.2 of Network Statement come under the scope of this incentive scheme:

- ~~— Taksony (16147)~~
- ~~— Bicske (01081)~~
- ~~— Kiskunlacháza (16188)~~
- ~~— Békéscsaba (18036)~~
- ~~— Debrecen (13912)~~
- ~~— Jászapáti (12039)~~
- ~~— Kaposvár elágazás (43588)~~
- ~~— Mátészalka (15495)~~
- ~~— Miskolc-Gömöri (12674)~~
- ~~— Nyíregyháza (14019)~~
- ~~— Orosháza (18614)~~
- ~~— Szolnok-Rendező (40485)~~
- ~~— Tatabánya (01131)~~
- Békéscsaba (18036)
- Bicske (01081)
- Debrecen (13912)
- Jászapáti (12039)
- Kaposvár elágazás (43588)
- Kiskunlacháza (16188)
- Mátészalka (15495)
- Miskolc-Gömöri (12674)
- Nyíregyháza (14019)
- Orosháza (18614)
- Szolnok-Rendező (40485)
- Taksony (16147)
- Tatabánya (01131)

**24. IV.5.2.3 Degree of surplus payment obligation**

The following modification was made:

Date of cancellation before the scheduled use of service ( <b>correlated to the stating time of the use of service</b> )	Cancellation fee (HUF/ordered hours)
up to the 5 <sup>th</sup> day before the planned use of service	0
between 5 days and 24 hours before the planned use of service	50
within 24 hours before the planned use of service	150
within 24 hours after the planned use of service	500
without cancellation; if the service is not used at all	2000

**25. IV.5.2.4 Methodology for accounting of the incentive scheme**

The following modifications were made:

As long as the request for rail capacity is submitted by an authorised applicant but the capacity is used by a Railway Undertaking designated for using railway capacity by the authorised applicant, payment obligation emerging from the incentive scheme can be claimed from the Railway Undertaking designated by the authorised applicant.

~~The method of calculation is shown by an example presented in Table 13.~~

Table 13

~~Degree of surplus payment when exceeding the loading time span~~

<del>Degree of exceeding the loading time span</del>	<del>20 hours 16 minutes</del>
<del>Formula</del>	<del>Degree of exceeding * Charge to be paid</del>
<del>Calculation</del>	<del>12*500 HUF + 9*750 HUF = 12.750 HUF</del>

As long as the request for rail capacity is submitted by an authorised applicant but the train path is not used, the payment obligation is imputable and compensation can be determined if they are included in the framework contract concluded between the authorised applicant and the Infrastructure Manager as it is indicated in Paragraph 54/A of the Railway Act.

Accounting of surplus payment obligation as an incentive scheme of the Performance Regime for exceeding the loading time span may be carried out based on the fact data, the accounting of cancellation fee is based on planned data, which are both **clearly indicated** ~~signed on in~~ the invoice **attachment** separately.

**26. IV.5.2.5 Hypothesis and Expected effect of the incentive scheme related to the access to primary public loading sidings**

The following modifications were made:

The aim of this incentive scheme is that the number of loading activities (coming under the scope of the incentive scheme related to the access to primary loading sidings and its loading places) exceeding the time span indicated in the allocation shall not exceed 20% of the total number of all loading activities implemented on primary public loading sidings related to the incentive scheme.

**27. IV.5.3.1 Scope of the incentive scheme**

The following modifications were made:

- ~~— Budapest-Keleti,~~
- ~~— Budapest-Déli and~~
- ~~— Budapest-Nyugati~~
- Budapest-Déli (01016)
- Budapest-Keleti (10017) and
- Budapest-Nyugati (10033).

**28. IV.5.3.4 Methodology for accounting the surplus payment obligation**

The following modifications were made:

As long as the request for rail capacity is submitted by an authorised applicant but the capacity is used by a Railway Undertaking designated for using railway capacity by the authorised applicant, payment obligation emerging from the incentive scheme can be claimed from the Railway Undertaking designated by the authorised applicant.

Infrastructure Managers check if the conditions are fulfilled or not i.e. accounting of financial compensation may be carried out based exclusively on the fact data of the train run, which has to be clearly indicated ~~is signed on~~ in the invoice attachment separately.

As long as the request for rail capacity is submitted by an authorised applicant but the capacity is used by a Railway Undertaking designated for using railway capacity by the authorised applicant, financial compensations emerging from the incentive scheme can be claimed by the Railway Undertaking designated by the authorised applicant.

**29. IV.5.3.5 Degree of financial compensation**

The following modifications were made:

If the number of train path requests submitted by the **applicant Railway Undertaking** as a train path request **for primary stations under the scope of the incentive scheme** without involving the splitting-up of wagons (and the trains are run this way) increase with at least 10% compared to the **number of train path requests without involving the splitting-up of wagons in the** previous timetable period, the Railway Undertaking is entitled to get a refund. **The volume of this financial compensation related to primary stations is** of 5% of the total amount of charges paid for the use of origin/destination stations by the Railway Undertaking ~~at primary stations in the particular timetable period.~~

**30. IV.5.3.6 Hypothesis and Expected effect of the efficient use of capacity at primary stations**

The following modification was made:

The number of train paths allocated without the splitting-up of wagons shall be 10% correlated to the number of train paths in category A, B or C affecting **primary terminus** stations. This volume is calculated the following way.

**31. IV.5.4 Divisions of tasks related to other quality parameters of train run**

The following modifications were made:

**Infrastructure Manager shall deliver data to VPE regarding train paths requested without involving the splitting-up of wagons (and trains are run that way) at primary stations serving as a positive incentive scheme in the 2013/2014 timetable period.**

Other accountings related to quality parameters in connection with train run shall **clearly** be comprised by invoice-attachments issued by the Infrastructure Managers for accounting of the elements of the Performance Regime.

**32. VI.2 Incentive scheme of submitting train path order sooner**

The following modification was made:

**VPE delivers information on cancellation or modification of requests to Infrastructure Managers.**

### 33. VI.4 Incentive scheme of supporting environmentally sound means of transportation

The following modifications were made:

~~VPE Infrastructure Managers~~ are is obliged to provide ~~the Infrastructure Managers~~ ~~VPE~~ with data of train paths ~~ordered (which were indicated in the request) by the applicants and~~ coming under the scope of the Performance Regime ~~and certified by authorised applicants.~~

### 34. VI.5 Other incentive scheme related to train run

The following modifications were made:

In order to perform impact assessment for the Performance Regime, Infrastructure manager is obliged to deliver the data concerning the ordering and cancellation of services to VPE ~~on a monthly basis.~~

~~In order to perform impact assessment for the Performance Regime, Infrastructure Manager is obliged to deliver to VPE real time fact data about the access of primary public loading sidings and deliver the indications of requests of service without splitting-up of wagons at primary stations.~~

## ANNEX

### 35. Annex 3

The following paragraph was inserted into the annex:

#### **Applicant:**

~~Applicants means a railway undertaking or an international grouping of railway undertakings or other persons or legal entities, such as competent authorities under Regulation (EC) No 1370/2007 and shippers, freight forwarders and combined transport operators, with a public-service or commercial interest in procuring infrastructure capacity.~~