

## Modifications

### TEXT

#### 1. IV.5.2.3 Degree of surplus payment obligation

The following modification was made:

**In connection with the incentive elements** ~~the authorised applicant is obliged to pay surplus if they exceed the loading timespan allocated by VPE for wagons to be loaded/unloaded,~~ **as well as they fail or cancel the use of loading area.**

#### **The time span expires of public loading sidings**

If the time span expires for capacity defined in the allocation **ed by VPE** or the wagons are not pulled out of the loading siding, they can be regarded as exceeding the loading time span. Payment obligation does not mean a full time span but every started hour is charged in accordance with banded-distribution. The degree of surplus payment obligation related to exceeding the time span for **public loading sidings** can be found in Table 9.

Table 9

Charge to be paid when exceeding the **public loading sidings** time span (in hours)

Degree of exceeding the loading time	Charge to be paid (HUF/hour)
between 0 - 12 hours	500
between 12 - 24 hours	750
over 24 hours	1000

#### **Fail or cancel the use of loading areas**

In order to use the loading places more efficiently and avoid unjustified capacity reservation, it is reasonable to use cancellation fee if the loading place is not used or the service is cancelled. Rate of cancellation fees related to services can be seen in Table 10.

Table 10

Cancellation fee for cancelling loading places depending on the time of cancellation

Date of cancellation before the scheduled use of service (correlated to the stating time of the use of service)	Cancellation fee (HUF/ <b>ordered public loading sidings insurance period</b> hours)
up to the 5th 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

## 2. IV.5.2.4 Methodology for accounting of the incentive scheme

The following modification was made:

### The time span expires of public loading sidings

~~Infrastructure Manager shall make the invoicing for the authorised applicant who is obliged to pay surplus for the access to loading sidings and loading places.~~

If the authorised applicant exceeds the allocated time span, they are obliged to pay surplus regardless of the fact whether they have already started the loading or not.

Accounting for the time span expires of public loading sidings obliged to pay surplus on the fact data of the train run, which has to be clearly indicated 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, payment obligation emerging from the incentive scheme can be claimed from the Railway Undertaking designated by the authorised applicant.

### Cancellation fee

The applicant has the opportunity to cancel the ~~time for loading provided loading place capacity~~ reserved previously. Surplus payment obligation burdens the Railway Undertaking for the allocated ~~time for loading provided loading place capacity~~ that is 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.

Accounting for the cancellation fee is based on planned data, which are both clearly indicated in the invoice attachment separately.

## 3. IV.5.2.5 Hypothesis and expected effect of the incentive scheme related to the access to primary public loading sidings

The following modification was 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.

~~VPE shall carry out an impact assessment related to the incentive scheme on a monthly basis and shall prepare monitoring report. The incentive scheme shall be modified if, regarding its annual effect, it shows a 10% positive or negative divergence from the hypothesis determined previously.~~