

Modifications

TEXT

1. Scope of the Performance Regime

The following modification was made:

The scope of the Performance Regime covers:

- a) railway company operating nationwide open access, **non own operation** railway network (hereinafter referred to as infrastructure manager),
- b) railway undertaking (RU), applicants**
- c) non-RU applicant**
- d) rail regulatory body,
- e) Rail Capacity Allocation Body (hereinafter referred to as VPE)

2. II. Legal framework

The following modification was made:

- Directive 2012/34/EU of the European Parliament and of the Council on establishing a single European railway area,
- Paragraph 67/K. (1)-(6) of Act CLXXXIII of 2005 on railway transport,
- Paragraph **Decree No 57/2015. (IX.30.) NFM on the railway performance regime**
~~34 Section (1)-(6) of Decree No 101/2007 (XII 22)GKM of the Minister of Economy and Transport on detailed rules of open access to railway network,~~
- ~~Paragraph 5 of 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.~~

3. IV.1 Incentive scheme to facilitate punctual train run

a. Delay management

The following modification was made:

Legislation in force allows the taking into consideration of handling of primary delays within the framework of the Performance Regime (Directive **Decree**

~~101/2007 GKM~~ **57/2015 NFM** Paragraph ~~347~~ Section (~~32~~). The regime does not apply to secondary delays.

Primary delay: a disturbance in terms of a train run in the relationship of the Infrastructure Manager (~~or railway infrastructure unit of an integrated railway company~~) and a Railway Undertaking (~~or a railway undertaking unit of an integrated railway company~~), which can be provably attributed directly to any of the given railway companies. Since these delay events directly affect running trains, they are called primary delays.

Secondary delay: **The delay was caused by another train as a result of up the consequence of primary delay up regardless whether caused, and arose the railway undertakings own sphere of interest, and affect their own train.**

~~in terms of a train run, the consequence of a primary delay occurring in the relationship of the given two (or more) railway companies, but a company can cause secondary delay to itself as well.~~ This type of a delay is the consequence of a forcing event (E.g.: in a single track line it is not allowed to start a train from a station in the opposite direction until the train in delay arrives at this station; because of train connections published, passengers of the train in delay have to be awaited, or vehicles must be detached and inserted to this train etc.). Another train in delay can cause delays to the running train in question regardless the owner of the train path and regardless the original reasons for the delay. These types of delays are called secondary delays.