

Modification

TEXT

The following modifications were made in the text because of the changes of the implementing acts of Act CLXXXIII of 2005 on railway transport.

1. 2.3 Agreements for railway network access

2.3.1 Framework Agreement

The text was changed accordingly:

In order to ensure track network capacity, Applicant may sign a framework agreement for more than one timetable period under conditions specified by legal rules. Signing of a framework agreement requires the approval of the rail regulatory body.

Framework Agreement shall contain the data of capacities reserved by framework agreements which shall be published by VPE as an Annex to the Network Statement following its establishment.

Basically, Framework Agreement can be concluded for a period of five years and its duration can be extended by its original duration. If reasonable, the scope of the framework Agreement can be defined for a longer or shorter period. Any Applicant with a Framework Agreement is entitled to apply for track network capacity as it is described in the Framework Agreement. Framework Agreement cannot exclude any other Applicants from access to rail network capacity.

For one given section of line the maximum of 5 % of the daily theoretical capacity can be contracted under a framework agreement. For a period after the expiration of the framework agreement, it is the applicant who shall initiate the conclusion of a new framework agreement.

~~In order to guarantee track network capacity there is a possibility for the applicant 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 the applicant 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.~~

2.3.2 Network Access Contract and Internal Agreement

2.3.2.1 Network Access Contract

The 2nd paragraph of the chapter was changed accordingly:

Railway Undertaking shall apply for rail network capacity and rail infrastructure services at the Infrastructure Manager. The submission of the request is subject to the existence of a valid network access contract.

Application shall be qualified as a call for a bid. Infrastructure Manager is obliged to make proposal for ensuring track network capacity and the use of rail infrastructure services in compliance with the provisions of the Network Statement and against the payment of a network access fee calculated in accordance with the rules of the Network Statement.

Precondition of concluding the network access contract is as follows:

- operation licence,
- safety certificate/ complementary safety certificate

~~After checking the existence of operation licence, safety certificate/complementary safety certificate, VPE allocates to the Railway Undertaking the rail network services. After this, but before the utilisation of the service allocated, Infrastructure Manager and Railway Undertaking must sign a Network Access Contract.~~

~~Preconditions to signing of a 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)~~

2. 4.3.2 Handling of requests other than annual train path requests inclusive of short term requests

The following sentence marked with red colour was added to chart of the chapter:

Type of train path	Deadline for submitting request correlated to the date of the planed train run	Time needed for allocation
Train path for working trains	<u>Before the scheduled time of running</u>	As soon as possible.

Moreover the following new paragraph was added to the chapter:

In emergency cases or in the case of operation disturbance indicated by the Infrastructure Manager, Railway Undertaking may submit its short term train path request even within one hour before the planned start of a train run.

3. 5. RAIL NETWORK SERVICES

The following new paragraph was added to the chapter:

5.1 Introduction

As the most important effect of the change of Act CLXXXIII of 2005 on railway transport modified by Act CIII of 2005 some additional services were moved to the supplementary services. These services were the following:

train acceptance, train preparation, ensuring of shunting staff, staff available for shunting, ensuring of traction unit, traction unit available for shunting, ensuring of staff for weighing, ensuring of fuel for traction, ensuring water for water supply, exchange of axles, use of bogies. Moreover the service of use of catenary, which was included in supplementary services until now, was moved to basic services.

According to Paragraph 87/D (1) of Railway Act these rules have to be applied first time only for the timetable period come into force from the 2nd Sunday of December 2016.

The following sentences were deleted from the mentioned points:

5.2 Basic services

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

5.3 Supplementary services

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

5.4 Additional services

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

5.5 Ancillary services

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

ANNEXES

1. Annex 2.3.2.1 - General Terms and Conditions of the Network Access Contract

The following modifications were made:

Chapter I

Preamble

~~Accordingly, under Paragraph 57 (1) of the Railway Act, MÁV Zrt and GYSEV Zrt shall conclude a network access contract with Railway Undertakings intending to use the open access railway tracks and accessories, if they comply with the requirements set by law.~~

~~With regard to the allocation of capacity of the open access railway network, VPE Rail Capacity Allocation Office (hereinafter VPE) shall determine in its notice the infrastructure conditions of the open access railway network in accordance with the provisions of the Network Statement (hereinafter NS). This notice of VPE generates an obligation to the Infrastructure Manager for contracting as regards the allocation of the capacity of the open access railway infrastructure. Accordingly, Infrastructure Business Units of MÁV Zrt and GYSEV Zrt are obliged to sign with the applicant authorised to use the open access railway network and accessories (hereinafter railway infrastructure) a network access contract in conformity with the content of the notice of VPE. General terms and conditions for the use of the open access railway network infrastructure are laid down in this General Terms and Conditions of Contract.~~

§ 3 Content and nature of the Network Access Contract

- ~~1. On the strength of the notice of VPE on the allocation of track network capacity and with a content specified therein, a contract will be established between Infrastructure Manager and Railway Undertaking on the availability of the rail network capacity. Precondition of the submission of a capacity request is the conclusion of the Network Access Contract. Network Access Contract shall be concluded in accordance with the provisions of this GTC. This GTC forms a part of the Contract concluded this way even in absence of any other stipulation or provision. By virtue of the notice of VPE on the allocation of rail capacity, infrastructure manager is obliged to conclude with the Railway Undertaking in accordance with the content of the notice. Network Access Contract shall be concluded in compliance with the provisions of this GTC, and GTC shall form the part of this Contract concluded in the above mentioned way even in absence of any further stipulation or provision.~~

Chapter III

Preconditions of Network Access Contract

§ 10 Preconditions for concluding the Network Access Contract with regard to the Railway Undertaking:

- ~~- operational licence,~~
- ~~- safety certificate/additional safety certificate.,~~
- ~~notice of VPE on allocation of train path.~~

§ 11 Conditions for using the rail network service:

Requirement of submission of capacity requests:

- ~~- conclusion of the Network Access Contract~~

Requirement of the use of a train path

- train path allocated by VPE
- acceptance of the allocated train path, i.e. establishment of the contract on the availability of the rail network capacity.
- ~~train path granted by VPE,~~
- ~~conclusion of the Network Access Contract.~~

2. Annex 3.3.1.1 - Main characteristics of railway lines, track sections

The following modifications were made:

Main number Sub-number	Starting point of line (station)	Final point of line (station)	Break-down of line into sections	Number of tracks	Applicable load per axle (t/m)	Applicable class of line	Applicable axle load (t) for hauled vehicles						Truck speed (km/h)	Maximum length of train (m)	Electrified (yes/no)	Type of traffic management of line	Gross train radio (t/m ² /m)	Transfer facilities (No/Yes)	Possibility of bulk transport (Yes/No)	Rating in accordance with Governmental Decree No. 164/2019	Remarks	RECS	REC7					
							7 axle without limitation with speed limit	4 axle without limitation with speed limit	6 axle without limitation with speed limit	special*	not rated with speed limit	limited speed (km/h)																
30	Budapest-Déli ps.	incl.	Muraakeresztúr oh.	incl.	two	C2	21,0	21,0	21,0	21,0	21,0	80	600	yes	operation controlled	450	yes	no	Trans European Rail Freight Network	Only international loading gauge may be applied	Székesfehérvár - Kelenföld							
							D2	22,5	22,5	22,5	22,5												22,5					
							one	6,4	D2	21,0	21,0												21,0	21,0	21,0	21,0	120	
																											100	
							one	C2	21,0	21,0	21,0												21,0	21,0	21,0	21,0	120	
																											100	
							one	C2	21,0	21,0	21,0												21,0	21,0	21,0	21,0	90	
																											100	
							one	C2	21,0	21,0	21,0												21,0	21,0	21,0	21,0	80	
																											no	
364	Székesfehérvár - Kelenföld	incl.	Muraakeresztúr oh.	incl.	one	7.1	C2	C2	21,0	21,0	21,0	21,0	21,0	750	yes	operation controlled	no	yes	no	Trans European Rail Freight Network	Line section is suitable for running of Ro-La trains if a technical examination previous to train run takes place.							
									20,0	20,0	20,0	20,0	20,0															
									one	7.1	C2	21,0	21,0											21,0	21,0	21,0	21,0	40
																												60
									one	7.1	C2	21,0	21,0											21,0	21,0	21,0	21,0	50
																												40
									one	7.1	C2	21,0	21,0											21,0	21,0	21,0	21,0	60
																												no
									one	7.1	C2	21,0	21,0											21,0	21,0	21,0	21,0	20
																												yes
one	7.1	C2	21,0	21,0	21,0	21,0	21,0	21,0	80																			
									no																			
one	7.1	C2	21,0	21,0	21,0	21,0	21,0	21,0	30																			
									no																			
one	7.1	C2	21,0	21,0	21,0	21,0	21,0	21,0	no																			
									no																			

3. Annex 3.3.1.3 - Position of stations and service places on railway lines; main technical and operational characteristics - MÁV Zrt

The following modifications were made:

Line number	IT Line number	Name of the service place	Statistical number of service place	Service place				Platform																								
				Staffless	Remote controlled	Signalling tool	Suitable for train crossing	Number/name	Function (passenger/freight/other)	Electrified (yes)	Length (m)	Through main line (yes)	Designated to go-round (yes)	length/width/height of platform (m)	Qualified as occupied by persons (yes)	Designated for storage	Preheating/precooling	Connection to electric power	Water supply	Connection to sewer	Equipped with inspection pit											
27	27	Lepsény	03301	no	no	D55	yes	I.	passenger/freight	yes	547	no	no	150/2/45 150/1,6/0,15	no yes																	
								II.	passenger/freight	yes	577	no	yes	100/2/0,15 258/1,6/0,15	no yes																	
								III.	passenger/freight	yes	622	no	yes	260/4,8/0,3 258/1,6/0,15	no yes	no																
								IV.	passenger/freight	yes	633	no	yes	260/4,8/0,3 360/1,6/0,15	no yes																	
								V.	passenger/freight	yes	689	yes	yes	260/4,8/30 360/1,6/0,15	no yes	no																
								VI.	freight	yes	711	no	yes			no																
30	30	Lepsény	03301	no	no	D55	yes	I.	passenger/freight	yes	547	no	no	150/2/45 150/1,6/0,15	no yes																	
								II.	passenger/freight	yes	577	no	yes	100/2/0,15 258/1,6/0,15	no yes																	
								III.	passenger/freight	yes	622	no	yes	260/4,8/0,3 258/1,6/0,15	no yes	no																
								IV.	passenger/freight	yes	633	no	yes	260/4,8/0,3 360/1,6/0,15	no yes																	
								V.	passenger/freight	yes	689	yes	yes	260/4,8/30 360/1,6/0,15	no yes	no																
								VI.	freight	yes	711	no	yes			no																
49	49	Lepsény	03301	no	no	D55	yes	I.	passenger/freight	yes	547	no	no	150/2/45 150/1,6/0,15	no yes																	
								II.	passenger/freight	yes	577	no	yes	258/1,6/0,15 258/1,6/0,15	yes yes																	
								III.	passenger/freight	yes	622	no	yes	260/4,8/0,3 258/1,6/0,15	no yes	no																
								IV.	passenger/freight	yes	633	no	yes	260/4,8/0,3 360/1,6/0,15	no yes																	
								V.	passenger/freight	yes	689	yes	yes	260/4,8/30 360/1,6/0,15	no yes	no																
								VI.	freight	yes	711	no	yes			no																
30	30	Balatonatiga	03319	yes	yes	D55	yes	I.	passenger/freight	yes	640 562	no	yes	360/4 6,7/0,55	no	no																
								II.	passenger/freight	yes	640 572	yes	no	yes	360/4 6,7/0,55	no	no															
								III.	freight	yes	693 617	yes	yes																			
30	30	Balatonvilágos mh.	03327	yes	yes		no	-	passenger	yes	260 310			360/4/0,55 310/4,00/0,55	no																	

41/1	41	Attala mh.	06213	yes	no		no	-	passenger	yes	307			307/2,5/0						
46/2	46	Őcsény mh.	06775	yes	no		no	-	passenger	no	150			130/1,8/0,15 150/2/0, 150/6,5/0,3	no					
46/2	46	Decs	06783	no	no	keyidentifier	yes		I.	loading/ storage	no	274	no	no	200/1,7/0,15	no	yes			
									II.	passenger/freight	no	276	yes	yes	150/4,5/0,3	yes	no			
									III.	passenger/ freight	no	356	no	yes	300/1,7/0 150/4,5/0,3	yes	no			
50	50	Máza-Szászvár	07054	no	no	keyidentifier	yes		II.	passenger/freight	no	708	yes	no	259/5/0,3	no	no			
									III.	passenger/freight	no	686	no	no	259/5/0,3	no	no			
									IV.	passenger/freight	no	714	no	yes		no	no			
61	61	Sumony mh.	07567	yes	no		no	-	passenger	no	115			115/2,5/15	no					
324	62K	Hagyharsány	08185 18051	yes no	no no	SH FM	yes yes		III.	passenger/freight	no	533	yes	yes	150/1,6/0	yes				
									I.	passenger	yes	828,0	no	yes	340 121/2,0/0 437/2,0/0	yes	no		no	
									II.	passenger	yes	882,0	yes	yes	251/2,0/0,15, 140/2,0/0	yes	no		no	
									III.	passenger	yes	911,0	no	yes	495 234/2,0/0	yes	no		no	
									IV.	passenger	yes	885,0	no	yes	154 95/2,0/0	yes	no		no	
									V.	freight	yes	826,0	no	yes		no	no		no	
									VI.	freight	yes	777,0	no	yes		no	no		no	
									VII.	freight	yes	718,0	no	yes		no	no		no	
									VIII.	freight	yes	667,0	no	yes		no	no		no	
									IX.	other	no	682,0	no	no		no	yes		no	
									X.	other	no	578,0	no	no		no	no		no	
									XI.	other	no	313,0	no	no		no	no		no	
									XII.	other				no		no	no		no	
									XIII.	other				no		no	no		no	
									XIV.	other				no		no	no		no	

4. Annex 4.2 - Process of open access to railway network in accordance with relevant legal rules, distinguished by activities

Column „Reference to law” of the annex will not be shown until its comprehensive revision because of the changes of the implementing acts of Act CLXXXIII of 2005 on railway transport.

5. Annex 6.1-1 - Charging Methodology

Modifications were made in the text of Charging Methodology (hereinafter: CM) because of the changes of the implementing acts of Act CLXXXIII of 2005 on railway transport. The mentioned changes are included in the Text marked with correction.

The chapter was modified accordingly:

2.1.1.2 Charge of ETCS

In compliance with § 67/G (3) of the Railway Act, in order to stimulate ~~authorised~~ applicants to equip their trains with on board ETCS devices, ETCS charge shall be established. ~~Charge of ETCS shall be applicable on all those sections of the railway network where the track is equipped with ETCS device. ETCS charges can increase or reduce the sum to be paid.~~ ETCS charge is mandatory on the sections mentioned in § 67/G (3) of the Railway Act. In compliance with § 11 of the Charging Decree the applications of ETCS charges can be extended to all those sections of the railway network where the track is equipped with ETCS device. Rules related to the use of ETCS charge shall be the same for all the sections where ETCS charge is applied.

Basis of calculation for ETCS fee is data supplied by the infrastructure managers. When establishing data, infrastructure managers shall use data of the basis period but they shall take into consideration both in respect of rail track data and data of running of trains the expected change in the status of the installation of ETCS equipments in the year of charge.

ETCS charges can increase (malus) or reduce (bonus) the sum to be paid.

ETCS charge may not result in a comprehensive change regarding the income of the infrastructure manager. Having regard to this, values ~~of items~~ arising from imposing ETCS fees that increase (malus) or reduce (bonus) the sum to be paid, must be in balance. When establishing the value of bonus and malus state subsidy shall be taken into account if there is such subsidy dedicated for ETCS charge.

In order to ensure this equilibrium, cash flow related to ETCS charges shall be examined at least at the end of each timetable year. Infrastructure managers shall make the necessary data to VPE available. VPE shall examine the total values of items increasing or reducing the sum to be paid for the given timetable year, and settle the balance for the given timetable year. When defining the values of the ETCS fee for the given timetable year, also the balance of the previous timetable year shall be taken into account.

The following paragraphs were deleted:

2.3.2 The compulsory modification of the Charging System

- ~~10%, regarding the change in the revenue of the IM from invoiced network access charges paid by authorised applicants,~~

~~In accordance with Paragraph 12(2) of Charging Decree, regulatory body may require the modification of charging scheme if costs and expenses included in determination of network access charges differ at least by 5% from justified costs and expenses.~~

The text of CM was completed with the following chapter:

4.3 Determination of justified costs

VPE is determining the values of charges based on the data received from the infrastructure manager and the state contribution.

When determining justified costs, infrastructure manager shall take into consideration the followings:

- coherency between fact data of the last closed business year and fact data of the previous terms, and trends resulting from this coherency,
- data of approved business plan provided by the infrastructure manager,
- comparative market prices of products and services that are also available on the market,
- other domestic and international benchmark data, information.

In accordance with Paragraph 19 point b) of Charging Decree controlling of the justified costs taken into account when determining the charges is the charge of the regulatory body.

In accordance with Paragraph 16 section 4 of Charging Decree the justified costs/incomes should be considered based on the comparison of charges of charging year and the costs taken into account in the calculation of charges and if the value of comparison is different from 0 the difference can be taken into account as justified cost/income. The determination of allowance is based on the comparison of the revenue of the IM from invoiced charges in given timetable year and on the cost taken into account in the calculation of that same timetable year. The values which can be taken into account and the rules regarding the division of those values are laid down in the Charging Document of the affected timetable period.

6. Annex 6.3-1 - Service place categories and line categories of MÁV Zrt

The following modifications were made:

Line number according to NS	IT line number	Sservice place code	Name of the service place	Chargeable kilometres	Station category for passenger trains	Station category for freight trains	Line category	Start/end of the train path	Request stop available
264f	100T	40428	Újszászi elágazás	1,2	0	0	2	yes	no
120/2	120A	40428	Újszászi elágazás	89,1	0	0	1	yes	no