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**Modification No 1C**

FOR THE TIMETABLE PERIOD OF 2016/2017

# **NETWORK STATEMENT**

ON TERMS AND CONDITIONS OF THE USE OF THE OPEN ACCESS RAILWAY  
NETWORK OF MÁV ZRT AND GYSEV ZRT

**EFFECTIVE: FROM 00:00 OF 11 DECEMBER 2016  
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## 1. GENERAL INFORMATION

### 1.1 Introduction

#### 1.1.1 Hungarian railway organisations

The present Hungarian railway system has been developed in compliance with the regulations of the European Union.

Railway organisations:

- a) *Rail regulatory body*: National Transport Authority, whose tasks and power are set out in Paragraph 69 of Act CLXXXIII of 2005 on railway transport (hereafter referred to as Railway Act).
- b) *Railway Authority*: National Transport Authority, whose tasks and scope of authority are set out in Paragraph 80 of Railway Act.
- c) *Railway companies managing national railway network (hereafter referred to as Infrastructure Managers)*: Tasks of the MÁV Magyar Államvasutak Zártkörűen Működő Részvénytársaság (hereafter referred to as MÁV Zrt) and Győr-Sopron-Ebenfurti Vasút Zártkörűen Működő Részvénytársaság (hereafter referred to as GYSEV Zrt) - operating the open access national railway network are regulated in Paragraph 2 Point 4.12 of the Railway Act.
- d) *Train operating companies*: business company holding an operation licence, the principal businesses of which is to provide services for the transport of goods and passengers by rail with a requirement that this company ensures traction; this also includes companies which provide traction only.
- e) *Railway Undertaking (RU)*:
  - ea) Train operating company that has operational licence and domestic registration;
  - eb) Train operating company established in any EEG member state for forwarding of goods by rail, that holds an operation licence issued in accordance with the Directive 2012/34/EU of the European Parliament and of the Council;
  - ec) Train operating company established in any EEG member state for international passenger transport, that holds an operation licence issued in accordance with the Directive 2012/34/EU of the European Parliament and of the Council;
  - ed) Train operating company that was established abroad and it is participant of an international or reciprocal agreement.
  - ee) International grouping of train operating companies
- f) *Non-Railway Undertaking Applicant (Non-RU Applicant)*: any natural person or legal entity that is not a railway undertaking, registered in any EEG member state, providing public services or having commercial interest in procuring infrastructure capacity; as well as shippers, freight forwarders, carriers performing combined traffic services with the obligation to conclude a framework agreement with the Infrastructure Manager for the reservation of rail network capacity.
- g.) *Operator of service facility*: any natural person or business company responsible for operating one or more service facilities, or providing to Railway Undertakings one or more services referred to in points 2-4 of Annex 2 of Railway Act.
- h.) *Rail capacity allocation body*: VPE Rail Capacity Allocation Company Limited (hereinafter referred to as VPE) that carries out the following tasks in accordance with Paragraph 67/P (3) of the Railway Act until the point of time specified in Paragraph 87/D (2) of the Railway Act:

- ha) allocation of rail network capacity, inclusive of both the determination and the assessment of the availability of train paths and their allocation,
- hb) determination of costs of the access to the railway network operated by the Infrastructure Manager,
- hc) establishment of the Charging Methodology and the Charging Document, as well as determination of the amount of network access charges to be paid by Railway Undertakings, and also the collection of charges in the case of a non-independent Infrastructure Manager,
- hd) preparation of the Network Statement of the Infrastructure Manager.

*1.1.1.1 Rights and duties of VPE, Infrastructure Managers, Railway Undertakings and authorised applicants (jointly referred to as applicants) exercised towards each other*

*1.1.1.1.1 The most important tasks of VPE*

In order to ensure open access to the railway network, VPE is entitled and legally bound to fulfil the following tasks:

- a) to judge requests for train path, for services and for track possession, to allocate the capacity of open access railway network, to appoint replacement track sections in compliance with point 4.4.3.1 in order to avoid congested track sections and to prevent the development of congestion, as well as to withdraw reserved capacity on such sections,
- b) to allocate railway network capacity and related services of the Infrastructure Manager provided within the open access to the railway network in harmony with priority rules detailed in section 4.4.3.2 without discrimination, following the path allocation schedule; to construct the annual working timetable,
- c) in case of termination of the framework agreement for capacity reservation to withdraw the allocated but not used rail network capacity requested by an authorised applicant,
- d) to make sure that Railway Undertakings have the necessary documents for use of the open access railway network, and authorised applicants have the necessary documents for reservation,
- e) to inform the infrastructure managers in writing which Railway Undertakings are entitled to use the railway network, immediately after receiving the request for the services of the Infrastructure Manager submitted for the railway network within open access,
- f) to construct and update the Charging Methodology (hereafter referred to as CM)
- g) to construct and update the Charging Document (hereafter referred to as DD),
- h) to offer another train path for the applicant's request if the infrastructure manager revokes the train path because of an emergency as laid down in Paragraph 31 Section 2 Point b of Railway Act,
- i) to revoke the right to use the allocated train path in the cases of using the train path below a threshold set out in section 4.4.3.3 of the Network Statement),
- j) to settle preliminary international train paths,
- k) to specify the considerably underutilised sections of railway tracks,
- l) to designate specialized infrastructure,
- m) to determine the amount of track access charges to be paid by Railway Undertakings,
- n) in case of disputes to initiate coordination between applicants and infrastructure manager,
- o) to construct the Network Statement and enter the proposals for its modifications after discussions with the concerned parties,
- p) to handle confidentially the information in its possession.

*1.1.1.1.2 The most important rights and obligations of Infrastructure Managers*The most important rights of Infrastructure Managers:

- a) to revoke the allocated train path in the case of an emergency (Paragraph 31 Section 2 point b of Railway Act)
- b) to run service trains in accordance with the capacity allocation of VPE.

The most important obligations of Infrastructure Managers:

- a) to operate open access railway network,
- b) on its website, to publish technical instructions in connection with the use of the open access railway network as laid down in the regulations of the Network Statement on publishing and putting into force of instructions,
- c) on its website, to provide continuous, up-to-date information site about capacity restriction arising out of an emergency,
- d) to take the necessary steps to remove disturbances, emergency,
- e) to inform directly VPE and the involved applicants about any event in connection with allocated capacity,
- f) to give the required information to VPE for the development and modification of the Network Statement, the Charging Methodology, and the Charging Document,
- g) to maintain the base data files of the infrastructure, and to inform VPE of the changes in them,
- h) in the case of exceptional events to inform VPE and applicants thereof,
- i) to handle confidentially the business information obtained,
- j) to provide services set out in the Network Statement for Railway Undertakings.
- k) to keep the railway infrastructure and the service facilities in a condition which meets the requirements of safe running while ensuring allocated capacity,
- l) after concluding the capacity reservation framework agreement to inform VPE without delay who are entitled to use rail network capacity and related services and also inform VPE about the termination of applicants' rights to reserve capacity.

### 1.1.1.1.3 *The most important rights and obligations of Railway Undertakings*

#### The most important rights of Railway Undertakings:

- a) to submit a request for train path or services provided by the infrastructure manager within the open access to the railway network; to run trains in compliance with the allocated train path; to use services provided within open access,
- b) to initiate a coordination procedure in connection with the draft timetable,
- c) in cases referred to in Section 1.4.3, to initiate a legal dispute at the rail regulatory body.

#### The most important obligations of Railway Undertakings:

- a) to inform VPE without delay or at least within 5 days after the change takes place about the changes in the conditions of application for services provided by the Infrastructure Manager within the open access to the railway network,
- b) in the case of passenger trains, to inform the Infrastructure Manager about the composition of the train at least 30 minutes before the scheduled departure of the train from the origin station or from station where detaching/inserting of wagons takes place, as it is laid down in the Network Access Contract,
- c) in the case of freight trains arriving at border stations, or departing from origin stations or from such a station where the composition of the train has changed, to inform the Infrastructure Manager (electronically, through the IT system of the Infrastructure Manager) at least 30 minutes before the arrival/departure of the train about the composition of the train, if appropriate, also about data of exceptional consignment dangerous goods and about all further data laid down in the Network Access Contract
- d) to comply with the orders and regulations given by the Infrastructure Manager in connection with traffic control,
- e) to employ staff and other contributors who meet the national and international regulations on railway safety, can speak and write Hungarian, and have the required special knowledge and qualifications,
- f) to make a written legal declaration (by the representative(s) of the Railway Undertaking who is/are authorised to sign) sent in electronic format to VPE immediately if they refuse to accept the assignment by the authorised applicant,
- g) to pay on schedule the network access charges for the use of the railway track and its accessories and charges for the use of services,
- h) to contribute to removing obstacles causing disturbance at the expense of the Infrastructure Manager if the Infrastructure Manager asks for help in cases defined by the Railway Act,
- i) to report any exceptional event without delay to the Infrastructure Manager during the running of the train,
- j) to examine or to contribute in the examination of any exceptional event in connection with its own train, to provide for technical or chemical rescue,
- k) to contribute to remove emergency against charging of justified costs,
- l) in the case of exceptional event to tolerate disturbances emerged in railway traffic,
- m) to hand over/take over data, information - at border stations at the latest - necessary to run trains in international traffic,
- n) to meet UIC loading rules
- o) in order to manage the railway infrastructure network, to keep the documents as defined in the instructions of 2.4.1.

#### 1.1.1.1.4 *The most important rights and obligations of authorised applicants*

##### The most important rights of authorised applicants:

- a) to submit a request for train path or services provided by the Infrastructure Manager within the open access to the railway network.

##### The most important obligations of authorised applicants:

- a) to designate the Railway Undertaking actually using the rail network capacity required by and allocated to the authorised applicant, at least 10 days prior to the actual use of the rail network service.
- b) to employ staff and other contributors who have the competence to apply for rail network services and who are proficient users of Hungarian language in both oral and written form.
- c) to inform VPE and the Infrastructure Manager in written form without delay about all the conditions and hindrances that influence the use of rail capacity allocated to the authorised applicant and prevent the authorised applicant from assigning their rights and applying for capacity.

#### 1.1.2 Duty of preparing Network Statement

The Network Statement, whose structure and content meet national and international regulations, has to be published.

### **1.2 Objective of Network Statement**

The objective of the Network Statement is to lay down conditions and order of procedures for the access to open access rail network, for the use of the rail network, and for the use of basic, supplementary, additional and ancillary services. In harmony with Section 67/O Subsection 1 of Railway Act, Network Statement shall contain:

- general business conditions for ensuring the railway network capacity,
- components of the charging system, and detailed conditions of their implementation,
- detailed conditions for the railway network capacity allocation, including the rules of the coordination procedure, and
- operational and technical features for the railway network,
- information related to access to service facilities connected to the network of the Infrastructure Manager and conditions of providing services within these facilities, information related to the use of services provided in service facilities or the accessibility of websites where this information is accessible free of charge in electronic form, as well as,
- agreements related to performance regime.

Network Statement serves planning objectives in the following timetable year of its publication for both VPE and the applicants, for the following reasons:

- after the publication of the given Network Statement, applicants and Infrastructure Managers carrying out maintenance, renewal and enhancement works to the railway network, shall plan and submit to VPE their annual and annual late requests for the capacity of the railway network and services for the timetable year referred to in the published Network Statement in compliance with rules prescribed in the Network Statement.
- Based on requests submitted in accordance with the above provisions, VPE shall compile the annual working timetable for the timetable period referred to in the Network Statement.

### 1.3 Legal framework

#### 1.3.1 Applicable directives and regulations

##### 1.3.1.1 *Regulations that affect the content of the Network Statement*

- Directive 2012/34/EU on establishing a single European railway area (recast),
- Regulation (EU) No 913/2010 concerning a European rail network for competitive freight,
- Corrigendum to Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (Railway Safety Directive),
- Act CLXXXIII of 2005 on railway transport,
- Act V of 2013 on the Civil Code of Hungary
- Governmental Decree No 268/2009 (XII.1.) Korm on legal relationship between the Rail Capacity Allocation Body and a non-independent rail infrastructure manager,
- Decree of the Minister of Economy and Transport No 40/2006 (VI 26)GKM on detailed regulations of railway safety certificates, safety licenses, safety control systems, safety reports, and certain licensing procedures,
- Decree of the Minister of Economy and Transport 45/2006 (VII 11)GKM on licensing of the operation of railway undertakings,
- Governmental Decree 263/2006 (XII 20) Korm on the National Transport Authority,
- Joint Decree of the Minister of Economy and Transport and the Ministry of Finance No 50/2007 (IV 26)GKM-PM on the separation of accounts of railway business segments within the railway company,
- Decree of the Minister of Economy and Transport No 58/2015 (IX.30) NFM on frameworks of the network access charging system, and basic regulations of determination and implementation of network access charges,
- Decree of the Minister of Economy and Transport No 55/2015 (IX.30) NFM on detailed rules of open access to railway network,
- Decree of the Minister of Economy and Transport No 57/2015 (IX.30) NFM on detailed rules of Performance Regime,
- Decree of the Minister of Transport, Communication and Rural Development 18/1998 (VII 3) KHVM on the issuing of the second volume of the National Railway Regulation,
- Governmental decree No 168/2010 (V.11) Korm. on the assignment of the nationwide main railway network, regional and other railway networks,
- Decree of the Ministry of Transport, Communication, and Energy No15/2010. (III.5.) KHEM on unified coordination procedure of public passenger timetables.

##### 1.3.1.2 *Other relating regulations*

- COMMISSION REGULATION (EU) No 1305/2014 of 11 December 2014 on the technical specification for interoperability relating to the telematics applications for freight subsystem of the rail system in the European Union and repealing the Regulation (EC) No 62/2006,
- Act CLXXXIV of 2005 on technical investigation of air, railway and water transport accidents and other events
- Act LXXVII of 2006 on publishing of the Protocol of 3 June 1999 - adopted in Vilnius - amending the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980 adopted in Bern
- Act LXXX of 2011 on publishing the consolidated text of the Appendix C of the Protocol of 3 June 1999 of Vilnius with amendments and complements from 2011 amending the Convention concerning International Carriage by Rail (COTIF),

- Act XXXVII of 2011 on the publication of the consolidated text of the International Railway Freight Agreement (SzMGSz) and its Annexes with modifications and complements; and the related modifications of this law,
- Regulation (EC) No 1371/2007 on railway passengers' rights and obligations
- Governmental Decree 8/2006 (I 13) on the detailed regulation of the application and extent of the penalty levied by market surveillance,
- Governmental Decree No 85/2007 (IV.25.) on travelling allowances in the public passenger transport
- Governmental Decree 271/2007 (X 19) on compulsory insurance of damage coverage in case of railway companies' accident of the,
- Decree of the Ministry of National Development 31/2010 (XII.23.) on licensing of operation, periodic testing and official registry of rail vehicles,
- Decree of the Ministry of National Development 19/2011 (V 10) on the rules of vocational training, examination of employees performing safety relevant activity in railway transportation, on the rules of operating railway examination centres and training institutions, issuing of licences for training, and on the rules of railway engine-drivers' skills,
- Decree of the Ministry of Economy and Transport 103/2003 (XII 27) on mutual interoperability of traditional railway systems,
- Decree of the Ministry of National Development 24/2012. (V.8.) NFM on detailed regulations of technical investigation of serious railway accidents, railway accidents and unexpected railway events, as well as on detailed rules of operators' examination
- Decree of the Ministry of National Development 30/2010 (XII. 23.) NFM on interoperability of the railway system
- Decree of the Ministry of Economy and Transport 72/2006 (IX 29) on administrative service charges paid for the transport authority for railway administrative proceedings,
- Decree of the Ministry of Transport, Communication, and Energy No 9/2008 (VI 30) KHEM on administrative service charges paid for the railway regulatory body for railway administrative proceedings,
- Governmental Decree No 271/2009 (XII.1)Korm on detailed conditions of passenger transport services carried out in accordance with national operation licence,
- Decree of the Ministry of Transport, Communication and Energy No 10/2008 on the modes and conditions of the payment of the supervisory fee to be paid to the rail regulatory body,
- Governmental Decree No 32/2009 (II.19.) on detailed rules for contracts of railway transport of goods.
- Governmental Decree No 6/2010 (I. 21.) on ensuring a compulsory coverage ability of railway companies for the compensation of damages resulting from other than railway accidents
- Act LIII of 1995 on general rules of environment protection
- Act LIII of 1996 on the protection of nature
- Act CXXIX of 2007 on protection of soil
- Act XXXVI of 2007 on electricity
- Act CXXVII of 2003 on the excise tax and excise rules in the marketing of products
- Act CLXXXV of 2012 on waste
- Governmental Decree No 284/2007 (X.29.)Korm on detailed rules of protection against environmental noise and vibration
- Governmental Decree No 306/2010 (XII.23.)Korm on air protection,
- Governmental Decree No 346/2008 (XII.30.)Korm on protection of arborescent vegetation
- Governmental Decree No 312/2011 (XII.23.)Korm on controlling of inland waterway and railway transportation of dangerous goods in the course of procedures carried out by professional disaster recovery organs and on rules of a unique procedure for levying of

finer, on the amount of fines that might be levied for certain infringements, as well as on detailed rules of authority tasks relating to levying a fine.

## **1.4 Legal status of Network Statement**

### 1.4.1 Binding character of the Network Statement

The rules laid down in the Network Statement apply equally to the Infrastructure Manager, to Railway Undertakings and to authorised applicants using services which are provided within the framework of the open access railway network, as well as to VPE Railway Capacity Allocation Office.

### 1.4.2 Liability for the content of the Network Statement

VPE as the complier of the Network Statement is liable for ensuring compliance with international and national laws. Railway company is liable for data it delivers pursuant to Paragraph 67/P Section (4) of the Railway Act and Paragraph 2 and 3 of the Government Decree 268/2009 (XII.1.) as well as in accordance with the cooperation agreement of the Infrastructure Manager and the complier of the Network Statement.

### 1.4.3 Appeals

An organisation authorised to open access or a infrastructure managing company may commence a legal action at the rail regulatory body in accordance with Section 79/B, Subsection 1, of the Railway Act , or, in compliance with Section 79/B, Subsection (5) of the Railway Act, may directly go to court if according to its opinion:

- a) any rules of the Network Statement are contradictory to the requirement of a non-discriminatory procedure,
- b) the Infrastructure Manager or VPE fails to fulfil any of their obligations set out in the Network Statement,
- c) in the course of allocating railway network capacity, a procedural offence has been committed, or the result of the procedure infringes law, or it is contradictory to the provisions of the Network Statement,
- d) during the treatment of an ad hoc request for ensuring railway network capacity, a procedural offence has been committed, or the result of the allocation procedure infringes law or it is contradictory to the provisions of the Network Statement,
- e) Charging Methodology is contradictory to the provisions of the Railway Act or related, distinct legal rules,
- f) charges, discounts and mark-ups mentioned in the Charging Document or Network Statement are determined not in accordance with provisions of the Railway Act or related, distinct legal rules, or Network Statement lays down charges other than determined by the Charging Document,
- g) any of the parties violates the contract concluded for the open access to the railway infrastructure, or the determination of the amount of the network access charge to be paid for the use of train path is carried out in a manner which breaks the law or it is contradictory to the provisions of the Network Statement,
- h) the decision and the applied charges of the operator of service facility are contradictory to the requirement of a non-discriminatory procedure,
- i) the operator of service facility did not provide on time the information set out in paragraph 67/O. § (6) to the Infrastructure Manager or to VPE, or the information was not supplied in a proper manner.

Appeals shall be submitted in harmony with the deadlines fixed in Section 79/B, Subsection 2 of the Railway Act. The contents requirement of the appeal is fixed in Section 79/B, Subsection 3 of the Railway Act.

Appeals may be submitted by the authorised applicant to the competent court having jurisdiction, in compliance with Act III of 1952 on the Code of Civil Procedure.

## 1.5 Structure of Network Statement

The structure of the Network Statement is divided into six main chapters and annexes in accordance with international regulations and practice:

1. Chapter 1 General Information
  2. Chapter 2 Use of the open access railway network
  3. Chapter 3 Infrastructure
  4. Chapter 4 Capacity allocation
  5. Chapter 5 Services provided for Railway Undertaking
  6. Chapter 6 Charges
- Annexes

## 1.6 Validity and updating of Network Statement

### 1.6.1 Validity of Network Statement

This Network Statement is valid from 00:00 of 11 December 2016 to 24:00 of 09 December 2017.

The geographic scope of Network Statement applies to the open access railway networks operated by MÁV Zrt and GYSEV Zrt.

### 1.6.2 Updating of Network Statement

#### *1.6.2.1 Obligation of updating the Network Statement*

Network Statement shall be kept updated, modified as necessary (Article 27, Section (3), Directive 2012/34/EU; Para 67/O, Section (4) of the Railway Act; Paragraph 6, Decree of the Ministry of National Development No 55/2015 (IX.30) NFM.

VPE is obliged to record all modifications with the date of their entry into force into the "List of Modifications" which forms an inseparable part of the Network Statement (Paragraph 6 Section (3) of the Decree No 55/2015 (IX.30) NFM.

The procedural scheme of legally codified modifications of the Network Statement shall be differentiated between modifications defined by Para 67/O Section (4) of Railway Act and Paragraph 5 Section (2), Decree of the Ministry of Economy and Transport No 55/2015 (IX.30) NFM (up-to-date modifications) and modifications defined by Paragraph 5 Section (1) of the Decree No 55/2015 (IX.30) NFM.

#### *1.6.2.2 Procedural orders of modifying the Network Statement*

##### *1.6.2.2.1 Modifications defined by Paragraph 5 Section (1) of Decree No 55/2015 (IX.30) NFM*

- a) modifications resulting from changes in the railway infrastructure, changes in the rules and deadlines of the rail capacity allocation process of the open access railway network,

- b) modifications arising from changes in the technical or operational characteristics of the open access railway network and service facilities affecting network access charges, allocated train paths and services
- c) quantitative or qualitative changes in open access services or in service facilities provided by the infrastructure manager,
- d) changes in network or service facilities operated by a service facility operator access charges relating to the services provided by the infrastructure manager

#### Order of procedure

- 30 days before the publication, VPE shall bring out the draft of modifications of the Network Statement on its website in order to present an opportunity for coordination; at the same time inform thereof electronically the applicants authorized to have access to railway network and reserve capacity..
- Parties concerned can make remarks on the draft modification within 10 days after bringing them out on the website; VPE will deliberate those remarks during the finalisation of the modification (Decree of the Ministry of National Development No 55/2015 (IX.30) NFM. ) Paragraph 5, Section (1).
- VPE publishes the modification finalised in the above mentioned way on its website, indicates the date of its entering into force, and at the same time sends it to the rail regulatory body (Paragraph 67/O, Section (4) of Railway Act; Paragraph 7 of Decree of the Ministry of Economy and Transport No 55/2015 (IX.30) NFM.

#### *1.6.2.2.2 Modifications defined by Paragraph 67/O Section (4) of Railway Act and Paragraph 5 Section (2), Decree of the Ministry of Economy and Transport No 55/2015 (IX.30) NFM (up-to-date modifications)*

- a) changes in the legal rules concerning the operation of the open access railway networks
- b) changes in the data indicated in the Network Statement of infrastructure managers, transport administration bodies or the capacity allocation body,
- c) changes in the technical or operational characteristics of the open access railway network not affecting network access charges, allocated train paths and services.
- d) changes in the reference, if service facility operator provides information on conditions of access to service facilities and provision of services in service facilities connected to the network of the Infrastructure Manager with a reference to the website.

#### Order of procedure

- In the case of changes of technological or operational characteristics of the railway network operated by MÁV Zrt. and GYSEV Zrt, the Infrastructure Managers shall immediately inform VPE, properly documented, both electronically and in writing if changes affect the conditions of use by Railway Undertakings of services which are provided within the framework of the open access to the railway network.
- VPE shall enter the changes into the Network Statement if changes affect the above mentioned cases and VPE shall publish the modifications on its website and inform the applicants on the modifications by electronic means.

## 1.7 Compiling and publishing of Network Statement

### 1.7.1 Compiling the draft of Network Statement

Every year VPE shall compile the draft of the Network Statement which enters into force two years after the given timetable year, bearing in mind the governing community and national regulations as well as the technological and operational information from the Infrastructure Manager. (Decree of the Ministry of National Development No 55/2015 (IX.30) NFM Paragraph 4).

Based on the agreement between the affected parties, VPE has unified the Network Statement of the railway network of MÁV Zrt and GYSEV Zrt (Decree of the Ministry of National Development No 55/2015 (IX.30) NFM Paragraph 4, Section (6)).

### 1.7.2 Feedback, finalisation of the draft of Network Statement, publication

30 days prior to the publishing of the finalised Network Statement VPE shall issue the draft Network Statement on its website in order to make possible that applicants give their opinion on the content. VPE shall inform electronically the applicants on the fact of issuing of the draft Network Statement. Paragraph 5, Section (1) of Decree of the Ministry of National Development 55/2015 (IX.30) NFM ).

Affected parties shall make remarks within 10 days after the issuing of the Network Statement. The rail regulatory body shall be informed of the received comments and every circumstance in connection with harmonizing. (Railway Act, Para 67/O, section (2); Decree of the Ministry of National Development No 55/2015 (IX.30) NFM ) Para 4, Section (1))

At least 4 months before the deadline of submitting of the annual train path requests for the given timetable year - not later than the second Saturday of December - VPE shall publish on its website ([www.vpe.hu](http://www.vpe.hu)) in Hungarian and English language the Network Statement related to the same timetable year, and shall make the Network Statement available to be purchased in printed form for the cost of its publication (Directive 2012/34/EU Article 27 Section (1,4), Railway Act Paragraph 67/O, Section (3); Decree of the Ministry of Economy and Transport No 55/2015 (IX.30) NFM Paragraph 4, Section (2)).

VPE shall send the finalized Network Statement to the rail regulatory body at the same time the Network Statement enters into force. (Decree of the Ministry of Economy and Transport No 55/2015 (IX.30) NFM Paragraph 6)

## 1.8 Contacts

### *Rail Capacity Allocation Office*

**Address:** H-1054 Budapest, Bajcsy Zsilinszky út 48.  
**Telephone:** +36 1/301-9925, +36 301-9926  
**Railway tel. network** 01-72-64  
01-72-20  
**Fax:** +36 1/269-0631  
**E-mail:** [oss@vpe.hu](mailto:oss@vpe.hu)  
**Website:** [www.vpe.hu](http://www.vpe.hu)

### *National Transport Authority Central Office*

**Address:** H-1066 Budapest, Teréz krt. 38.  
**Telephone:** +36 1/373-1442  
**Fax:** +36 1/332-6532  
**E-mail:** [office@nkh.gov.hu](mailto:office@nkh.gov.hu)

**Website:** [www.nkh.hu](http://www.nkh.hu)  
*MÁV Magyar Államvasutak Zártkörűen működő Részvénytársaság (MÁV Hungarian State Railways Ltd.)*

**Address:** H-1087 Budapest, Könyves Kálmán krt. 54-60.  
**Telephone:** +36 1/511-4801  
**Fax:** +36 1/511-3307  
**E-mail:** [ertekesites.palyavasut@mav.hu](mailto:ertekesites.palyavasut@mav.hu)  
**Website:** <http://www.mav.hu/szolgaltatasok/palyakapacitas.php>

*Győr-Sopron-Ebenfurti Vasút Zártkörűen Működő Részvénytársaság (GYSEV Ltd.)*

**Address:** H-9400 Sopron, Mátyás király utca 19.  
**Telephone:** +36 99/517-405  
**Fax:** +36 99/517-308  
**E-mail:** [palyavasut@gysev.hu](mailto:palyavasut@gysev.hu)  
**Website:** [www.gysev.hu](http://www.gysev.hu)

Contacts of the Traffic Control Centres of MÁV Zrt and GYSEV Zrt are in Annex 1.8.

### 1.9 Information on European rail network for competitive freight (RFC 6, RFC 7)

In 2010 the European Parliament and the Council laid down rules for the establishment of a European rail network for competitive freight, consisting of international freight corridors. The aim is to achieve reliable and good quality railway freight services to be able to compete with other modes of transport.

The main objective to initiate Regulation 913/2010/EU (hereinafter: “the Regulation”) was to improve the services provided by the infrastructure managers (hereinafter: „IMs”) to international freight operators. Several initiatives have contributed to the creation of the corridors’ concept: the 1st railway package, the TEN-T (Trans-European Transport Network) programme, cooperation among Member States (MS) and IMs within the framework of ERTMS, and the deployment of TAF TSI (Technical Specifications for Interoperability for Telematics Applications for Freight).

Through the Regulation the European Union would like to act in the following main areas corresponding to the process of harmonization:

- improving coordination among IMs,
- improving the conditions of access to infrastructure,
- guaranteeing freight trains’ adequate priority,
- and improving intermodality along the corridors.

In order to reach these goals, the European Union designated 9 international rail freight corridors (RFC) in the EU rail network. The main parameters of the RFCs are included in the table below (Regulation 1316/2013/EU):

Name of RFC corridor	Member States	Principal routes (1)	Establishment of freight corridors:
„Rhine-Alpine”	NL, BE, DE, IT	Zeebrugge-Antwerpen/Amsterdam/Vlissingen (2)/Rotterdam-Duisburg-[Basel]-Milano- Genova	By 10 November 2013
„North Sea - Mediterranean”	NL, BE, LU, FR, UK (2)	Glasgow (3)/Edinburgh (3)/Southampton (3)/Felixstowe (3)-London (2)/Dunkerque (2)/Lille (2)/Liège (2)/Paris (2)/Amsterdam (2)-Rotterdam-Zeebrugge (2)/Antwerpen-Luxembourg-Metz-Dijon-Lyon/[Basel]-Marseille (2)	By 10 November 2013
„Scandinavian-Mediterranean”	SE, DK, DE, AT, IT	Stockholm/[Oslo] (2)/Trelleborg (2)-Malmö-København-Hamburg-Innsbruck-Verona-La Spezia (2)/Livorno (2)/Ancona (2)/Taranto (2)/Augusta (2)/ Palermo	By 10 November 2015
„Atlantic”	PT, ES, FR	Sines-Lisboa/Leixões –Madrid-Medina del Campo/ Bilbao/San Sebastian-Irun- Bordeaux-Paris/Le Havre/Metz -Strasbourg (2)/Mannheim (2) Sines-Elvas/Algeciras	By 10 November 2013
„Baltic-Adriatic”	PL, CZ, SK, AT, IT, SI	Swinoujscie (2)/Gdynia-Katowice-Ostrava/Žilina-Bratislava/Wien/Klagenfurt-Udine-Venezia/Trieste/ /Bologna/Ravenna Graz-Maribor-Ljubljana-Koper/Trieste	By 10 November 2015 By 10 November 2013

		Almería-Valencia/Algeciras/Madrid-Zaragoza/Barcelona-Marseille-Lyon-Turin-Milano-Verona-Padova/Venezia-Trieste/Koper-Ljubljana-Budapest Ljubljana (2)/Rijeka (2)-Zagreb (2)-Budapest-Zahony (Hungarian-Ukrainian border)	
„Mediterranean”	ES, FR, IT, SI, HU, HR (2)	– Bucureșt-Constanța Bremerhaven (3)/Wilhelmshaven (3)/Rostock (3)/Hamburg (3)-Praha-Vienna/Bratislava-Budapest –Vidin-Sofia-Burgas (3)/Svilengrad (3) (Bulgarian-Turkish border)/ Promachonas-Thessaloniki-Athína-Patras (3)	By 10 November 2013
„Orient/East-Med”	CZ, AT, SK, HU, RO, BG, EL, DE (3)	Wilhelmshaven (2)/Bremerhaven/Hamburg (2)/Amsterdam (2)/Rotterdam/Antwerpen-Aachen/Berlin-Warsaw-Terespol (Poland-Belarus border)/Kaunas-Riga (3)-Tallinn (3)	By 10 November 2015
„North Sea-Baltic”	DE, NL, BE, PL, LT, LV (3), EE (3)	Strasbourg-Mannheim-Frankfurt-Nürnberg-Wels Strasbourg-Stuttgart-München-Salzburg-Wels-Wien-Bratislava-Budapest-Arad-Brașov/Craiova-București-Constanța Čierna and Tisou (Slovak/ Ukrainian border)-Košice-Žilina-Horní Lideč-Praha-München/Nürnberg	By 10 November 2020
„Rhine-Danube”	FR, DE, AT, SK, HU, RO, CZ	Zeebrugge-Antwerpen/Amsterdam/Vlissingen (2)/Rotterdam-Duisburg-[Basel]-Milano-Genova	By 10 November 2013

The detailed description of the Rail Freight Corridors, in which Hungary is involved, are found on the following websites including also the relevant Corridor Information Documents (CID):

RFC7 Orient Corridor - [www.rfc7.eu](http://www.rfc7.eu)

RFC6 Mediterranean Corridor - <http://www.railfreightcorridor6.com>

Further contacts:

#### RFC 7 Secretariat (Corridor Secretariat)

Address:	H-1087 Budapest, Könyves Kálmán krt. 54-60.
Telephone:	+36 1 511 4715
E-mail:	<a href="mailto:rfc7secretariat@mav.hu">rfc7secretariat@mav.hu</a>
Website:	<a href="http://www.rfc7.eu">http://www.rfc7.eu</a>

#### RFC 7 C-OSS

Name:	Address:	Telephone:	E-mail:
József Ádám Balogh	VPE Rail Capacity Allocation Office. H-1054 Budapest 48. Bajcsy-Zsilinszky Str.	+36 1 301 9931 +36 30 696 8555	<a href="mailto:baloghj@vpe.hu">baloghj@vpe.hu</a>

## RFC 6 Permanent Management Office (PMO)

Address:	Via Ernesto Breda, 28, Milano		
Website:	www.railfreightcorridor6.com		
Name:	Position:	Telephone:	E-mail:
Andrea Galluzzi	Managing Director	+39 328 638 4700	<a href="mailto:a.galluzzi@railfreightcorridor6.eu">a.galluzzi@railfreightcorridor6.eu</a>
István Pákozdi	Deputy Director	+39 324 820 4725	<a href="mailto:i.pakozdi@railfreightcorridor6.eu">i.pakozdi@railfreightcorridor6.eu</a>
Pierre Chauvin	C-OSS	+33 68 630 3768 +39 324 829 8130	p.chauvin@railfreightcorridor6.eu OSS@railfreightcorridor6.com

### 1.10 Rail Net Europe - international co-operation between Infrastructure Managers

**RailNetEurope (RNE)** was created in January 2004 on the initiative of a number of European railway Infrastructure Managers and Allocation Bodies (IMs/ABs). As a non-profit making association of Infrastructure Managers and Allocation Bodies (IMs/ABs), it is dedicated to **facilitating international traffic** on the European Rail Infrastructure.

#### RNE's aims

RNE is committed to facilitating international traffic on the European rail infrastructure. It provides support to Railway Undertakings (RUs) in their international activities (both for freight and passengers) and strives to increase the efficiency of the IMs'/ABs' processes. As a trans-European association, RNE plays a pivotal role in encouraging the industry to follow harmonised, transparent and non-discriminatory rules in the international railway business. Together, the Members of RailNetEurope are making international rail transport conditions more uniform and introducing a corporate approach to promote the European railway business for the benefit of the entire rail industry across Europe.

#### RNE's tasks

In its day-to-day work, RNE's task is to simplify, harmonise and optimise international rail processes such as Europe-wide timetabling, sales (including Network Statements), traffic management and after-sales services (e.g. reporting). These tasks are carried out by four standing working groups and by ad-hoc project groups co-ordinated by the RNE Joint Office, which is based in Vienna, Austria. RNE international working groups and boards are striving to make seamless cross-border rail services across Europe a reality - whether this is by creating common standards for data exchange, easing inter-personal communication between traffic control centres or agreeing timetabling procedures for new train path products.

#### A coordination platform for the Rail Freight Corridors (RFCs)

Following the publication of the Rail Freight Regulation 913/2010 for a European rail network for competitive freight RNE additionally received the mandate to become the service provider of choice and expert support provider for corridor organisations in the areas of developing and operating methods, processes and developing and operating tools. In 2014, this mandate was extended in order to achieve a stronger harmonisation of the different RFCs' implementation approaches. Now RNE's tasks also include ensuring that harmonised processes and tools are applied on various corridors to the benefit of both Railway Undertakings (RUs) and non-RU Applicants, as well as IMs and ABs that are part of several RFCs. RFCs also participate in the RNE General Assembly and they have been offered Associate Membership of RNE.

RNE also provides support to its Members as regards compliance with the European legal framework.

Last, but not least, dedicated IT tools are also being streamlined and harmonised wherever necessary, and RNE's own IT systems are gradually being rolled out across Europe.

## RNE network

Currently, RailNetEurope is a partnership of 35 IMs/ABs, who are either full or associated members, or candidate members. All in all their rail networks add up to well over 230 000 km.

### 1.10.1 One Stop Shop (OSS)

RNE has established one OSS contact point in every member country.

Each customer can choose its favoured OSS contact point for all its needs regarding international rail services.

From the initial questions related to network access to international path requests and performance review after a train run - all these issues and more are handled by one contact point for the whole international train journey at the customers' convenience.

Customers of RNE Members who run international rail services can therefore make use of the RNE One Stop Shop's bundle of services:

- A network of contact points guiding customers through the whole range of procedures: gaining network access, planning of efficient international rail transport, international train path management (ITPM) and performance review after train operation. Response times have been standardised at a customer-friendly level - the attainment of these service levels is currently being tested.
- OSS experts drawn from sales and timetabling merge their expertise in these fields to serve customers together with the OSS contact points.
- IT tools further assist applicants by giving price estimates for rail infrastructure use, by coordinating international train path ordering and supply processes, and by tracking & tracing international trains in real time.

A list of national OSS contacts is available at the website of RNE:

[http://www.rne.eu/oss\\_network.html](http://www.rne.eu/oss_network.html).

### 1.10.2 RNE Tools

#### *1.10.2.1 PATH COORDINATION SYSTEM (RNE PCS)*

PCS is an online software tool developed by RailNetEurope (RNE) which is available to Corridor OSS-s, Applicants and Infrastructure Managers, and facilitates the communication and co-ordination processes in planning of, applying for and handling of international train paths (passenger, freight and Corridor).

Regarding its functionality, PCS supports two main activities:

- timetable pre-planning, on the one hand, that enables railway companies to prepare train path studies in international traffic with the cooperation of Infrastructure Managers (Path study Request) to arrange their future international train path requests. PCS Process Guidelines that clearly define roles and responsibilities are published at the end of each calendar year.
- on the other hand, it enables the managing of corridor trains which means the uploading and managing of pre-arranged international corridor train paths by a C-

OSS, and also enables the submission of requests to these train paths by an Applicant, if this Applicant is registered by the given Infrastructure Manager. For more information, please visit the website: <http://pcs.rne.eu/>

#### 1.10.2.2 CHARGING INFORMATION SYSTEM (RNE CIS)

CIS (Charging Information System) is RNE's international access charge estimation tool, designed to provide customers with pricing information. A web-based umbrella system for the various national rail infrastructure charging systems, it can calculate the price for the use of international train paths within minutes, 24 hours a day - including charges for train paths, station fees and shunting fees.

Future developments of the CIS aim to implement a RFC route-based estimate of infrastructure charges according to the RFCs' requirements.

The CIS website is at [www.eicis.com](http://www.eicis.com) and the helpdesk may be contacted via email: [support.cis@rne.eu](mailto:support.cis@rne.eu)

#### 1.10.2.3 TRAIN INFORMATION SYSTEM (RNE TIS)

1. TIS (Train Information System) is an easy-to-use, web-based application, which visualizes international trains from origin to destination. It supports international train management by delivering data concerning international passenger and freight trains along RNE Corridors and Rail Freight Corridors. Following the request of some internationally active Railway Undertakings TIS is now processing a defined amount of national trains as well in order to simplify data exchange and optimise the information process. Additionally, a specific function has been developed for Terminals along the corridors so that they can take advantage of the TIS information exchange as well. TIS delivers real-time train data directly to the users via internet and generates reports based on historical data. The two TIS products are based on the same raw data. The real-time train information overview gathers, centralizes and publishes information on train running on most of the (remaining) RNE Corridors and Rail Freight Corridors.

Current participants: Austria, Belgium, Bulgaria\*, Croatia, Czech Republic, Denmark, France, Germany, Hungary, Italy, Luxembourg, Norway\*, Poland, Portugal\*, Romania\*, Slovakia, Slovenia, Spain\*, Sweden, Switzerland, The Netherlands. (\*Contract signed, implementation in progress.)

Data portfolio:

- current and past train location (train running information message)
- agreed daily timetable information (contracted timetable message)
- delay information and reasons for delay (delay reason message)

2. The reporting function enables the monitoring and analysis of train and delay information

Data portfolio:

- punctuality and delay analysis
- data quality analysis
- system performance analysis

In the meantime, TIS has been optimised and is now able to process both in-bound and outbound TAF TSI messages from/to the IMs, and outbound TAF TSI messages to the RUs directly.

Currently, TIS applicants are IMs, RUs and Terminal Operators.

TIS may be accessed via: <http://tis.rne.eu/>

The helpdesk may be contacted by email: [support.tis@rne.eu](mailto:support.tis@rne.eu)

### **1.11 Glossary of definitions used in Network Statement**

For the list and definition of the main notions used in this Network Statement see Annex 1.11.

## 2. ACCESS CONDITIONS

### 2.1 Introduction

The aim of this chapter is to define the conditions for access to national open access railway network.

### 2.2 Conditions of requesting basic, supplementary, additional and ancillary services

According to Railway Act Paragraph 37/P (3) d), VPE defines detailed conditions for access to the railway network by preparing a Network Statement. Capacity of the railway network is ensured by the capacity allocation for the open access railway network. Use of the open access railway network by a Railway Undertaking is based on the request for basic, supplementary, additional and ancillary services (hereinafter services provided by Infrastructure Managers: - rail network services ) submitted in the proper format and with the described content by an applicant that fulfils all requirements described either by law or in this current Network Statement. Requests must be handed in to the OSS office of VPE.

#### 2.2.1 Requirements of application for rail network services

In case of Railway Undertakings:

Rail network services may be applied for by a Railway Undertaking who can verify his right to use the railway network with documents defined in points (2.2.3-2.2.4) by delivering a copy of them to VPE.

Requirements of applying for rail network services:

- operational licence issued by the railway transport authority (Point 2.2.3), as well as
- railway safety certificate issued by the railway transport authority (Point 2.2.4).

In case of authorised applicants:

Authorised applicant is entitled to reserve rail network services only if it has a valid and effective framework agreement for capacity concluded with the Infrastructure Manager.

#### 2.2.2 Who is allowed to use the open access railway network?

Open access railway network can be used by the Infrastructure Managers and applicants.

The open access railway network is operated by:

- MÁV Zrt
- GYSEV Zrt.

#### 2.2.3 Operation licences

Providing freight, passenger or traction services are activities which may be performed only in the possession of operation licence issued by the related authority. The issuing, modification, suspension, withdrawal of an operational licence or a temporary operational licence fall within the responsibility and authority of the rail regulatory body.

Operation licence can be applied for by filling in and handing in the licensing form that can be downloaded from the regulatory body's homepage. In order to obtain an operation licence, Railway Undertaking must also submit to the regulatory body documents - defined by legal rules - that prove the existence of conditions under which operation licence may be issued.

Under the process defined by the regulatory body train operating companies holding operational licences that were issued in any EEA countries must notify in writing the regulatory body of their intention to use the open access railway network of Hungary by filling in and handing in the form downloaded from the regulatory body's homepage at least 30 days prior to the date of submitting the requests for capacity. Notification must include as an attachment the operation licence issued by another EEG state and also a certification that proves that the scope of the company's contract guaranteeing the coverage of liability bonds, also covers Hungary.

Name, address and availabilities of the rail regulatory body:

Name: National Transport Authority Central Office  
Market Control and Passenger Counsel Main Department  
Railway Managing Department  
Address: H-1066 Budapest, Teréz krt. 62.  
Phone: +36 1/815 9679  
Fax: +36 1/815 9670  
Website: [www.nkh.hu](http://www.nkh.hu)

After a modification, Railway Undertaking shall immediately in writing announce and verify modifications in connection with operation licences to VPE and infrastructure managers.

2.2.4 Safety certificate, complementary certificate, safety permission

Railway undertaking registered in Hungary may use the railway network only if holding a safety certificate issued by the railway transport authority. Certificate verifies that in order to guarantee the safe operation of the railway network the railway company has established its safety system, and is capable to meet the requirements determined by the technical specifications of interoperability (TSI) and the national safety rules. Railway undertakings holding a safety certificate issued by any other EEA countries must procure a complementary certificate from the transport authority under the process defined by the National Transport Authority before applying for capacity.

Management and operation of railway networks may be performed only if holding a safety permission issued by the railway transport authority.

Safety certificates and safety permissions must be applied for under the process defined by the National Transport Authority.

Name and address of the railway transport authority:

Name: National Transport Authority  
Office of Road, Railway and Aviation Affairs  
Railway Department  
Railway Safety and Monitoring Division  
Address: 1066 Budapest, Teréz krt. 62.  
Phone: +36 1/474-1786  
Fax: +36 1/312-6614  
Website: [www.nkh.hu](http://www.nkh.hu)

Railway Undertaking must immediately announce and prove modifications of complementary safety certificate to VPE and to infrastructure managers in writing.

### 2.2.5 Insurance, cover of liabilities

Parties must regulate in the Network Access Contract any other insurances or guarantees that are necessary for the usage of open access railway network. 2.3 Access contracts for the use of the railway network.

## **2.3 Agreements for railway network access**

### 2.3.1 Framework Agreement

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.

### 2.3.2 Network Access Contract and Internal Agreement

#### *2.3.2.1 Network Access Contract*

The Network Access Contract regulates the technical, technological, financial and legal conditions of the utilisation of railway infrastructure.

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

The open access railway network cannot be used without allocated rail network service and a valid Network Access Contract.

General Terms and Conditions for the Network Access Contract are in Annex 2.3.2.1.

When entering into a Network Access Contract for ensuring the services of the railway network, the regulations of the Civil Law, especially Book 6 on the law of obligations, the Railway Law and the Network Statement must be applied jointly.

### *2.3.2.2 Internal Agreement*

Before using the capacity, Infrastructure Manager and business units operating within the organisation and executing freight, passenger or traction services must conclude an internal agreement.

The open access railway network cannot be used by the train operating business unit without capacity allocated to the business unit operating train services and without a valid Internal Agreement. The Internal Agreement is worked out by VPE. Business units of the integrated railway companies shall sign the Internal Agreement and send it to the rail regulatory body for approval.

### 2.3.3 Capacity reservation framework agreement

Authorised applicant and Infrastructure Manager shall conclude a framework agreement for the reservation of rail network capacity. For the use of rail network capacity subject to this contract, authorised applicant shall undertake in this contract the obligation to observe the procedures and conditions published by the Infrastructure Manager related to the use of rail network services, as part of the distribution principles.

Before concluding the contract and at times determined by the Infrastructure Manager, the authorised applicant is obliged to provide the Infrastructure Manager with a certificate - issued by an authority eligible to register economic organisations - proving that it is an economic organisation registered in an EEA state. If the authority entitled to issue this certificate is not located in Hungary, an authentic Hungarian translation is required to be submitted to the Infrastructure Manager together with the original certificate.

In case of a natural person, a valid document is required to prove identity.

If any data has changed in the submitted document, the authorised applicant is obliged to inform the Infrastructure Manager without delay in written form.

In order to use the rail network capacity subject of this agreement, non-RU Applicant shall undertake in this agreement the obligation to appoint a Railway Undertaking at least 10 days before the actual use of the rail network capacity allocated, which will actually use the allocated track network capacity. The appointed Railway Undertaking shall have a valid and effective network access contract with the Infrastructure Manager that operates the rail network affected by the allocated rail network capacity. Non-RU Applicant may transfer the rail network capacity allocated to it to any other Railway Undertaking for using the capacity.

To determine the 10-day deadline, Paragraph 103, Act III of 1952 on the code of Civil Procedure shall be taken into consideration which states that if the deadline is determined in days, the starting/first day of the deadline shall not be counted so this way the previous day before the deadline expires shall be a full calendar day (hereinafter: 10-day rule).

The Network Access Contract to be signed in the interest of the authorised applicant shall be concluded 10 days before the date of the use of the rail network capacity which is planned to use the earliest.

When entering into a Network Access Contract for ensuring the capacity of the railway network, the regulations of the Civil Law, especially Book 6 on the law of obligations, the Railway Law and the Network Statement must be applied jointly.

The sample Capacity reservation framework agreement can be found in annex 2.3.3.

## 2.4 Operational rules

### 2.4.1 The obligation of employing railway operational instructions

Railway Undertakings must observe the following operational instructions of the infrastructure managers:

- a) F.1. Signalling Instruction
- b) F.2. Operational Instructions and Appendixes
- c) E.1. Instructions for the personnel of the traction unit (unless the Railway Undertaking has an instruction approved by the National Transport Authority)
- d) E.2. Brake Instructions
- e) E.12. Technical Wagon Service Instructions
- f) Technical tables Volumes I-II
- g) E.101. General Instructions for the operation of standard gauge electrified railway lines
- h) H.6. Instructions for handling extraordinary consignment
- i) For MÁV Zrt, O.1. Training Instructions Infrastructure Chapters (except if the Railway Undertaking has training rules on his own approved by the National Transport Authority)
- j) For GYSEV Zrt, Training Instructions of GYSEV Zrt (unless the Railway Undertaking has a training instruction approved by the National Transport Authority)
- k) Executive Instructions for stations - Infrastructure related parts
- l) Executive Instructions for traffic regulation for line sections
- m) Deviation in Instructions to be used for neighbouring railway networks

From instructions listed above, National Transport Authority approves instructions listed under a) - h). Entering into force, publication or modification of these instructions are communicated by MÁV and GYSEV towards VPE and the Railway Undertakings, and any information in line with these instructions must be placed on their websites, too.

Instructions to be applied for the usage of railway network must be published in full length on the websites of MÁV Zrt and GYSEV Zrt.

### 2.4.2 Obligation to use documents to be employed while running a train

While running trains on the network, the usage of documents defined in instructions listed in point 2.4.1 are binding, beyond that, parties may also agree in the usage of other documents.

## 2.5 Specifications related to trains forwarding exceptional consignments, test trains and Ro-La trains

### 2.5.1 Rules for running of trains transporting exceptional consignments

A consignment must be considered to be exceptional transport if the consignment presents extra difficulty due to its outer size, weight or shape considering railway equipments or wagons, thus its forwarding can only be permitted under special technical and operational conditions. Rules in line with extraordinary transport are published by the infrastructure manager (H.6. Instructions)

The following consignments are qualified as extraordinary consignments:

- extraordinary consignment forwarded on the basis of a transport permission of general validity for standard-size consignments,
- extraordinary consignment transported on the basis of an individual transport permission.

Organisations responsible for regulating the transport of extraordinary consignments are as follows:

MÁV Zrt Traffic Operational Unit - Traffic Operational Department  
Operational Centre

Address: H-1087 Budapest, Kerepesi út 16.  
Phone: +36 1/511-1566  
Fax: +36 1/511-1638  
E-mail: [sondertp@mav.hu](mailto:sondertp@mav.hu)  
[uk.rk@mav.hu](mailto:uk.rk@mav.hu)

GYSEV Zrt. Infrastructure Business Unit

Address: H-9400 Sopron, Mátyás király utca 19.  
Phone: +36 99/517-213  
Fax: +36 99/517-148  
e-mail: [bjabronka@gysev.hu](mailto:bjabronka@gysev.hu)

### 2.5.2. Rules for running of test trains

Running of test trains may cause extra difficulties as regards to railway equipments or wagons, so, forwarding of these trains can only be permitted under special technical and operational conditions. Regulations relating to test trains are issued by the infrastructure manager (F2. Traffic Instruction, Appendix 29).

MÁV Zrt Traffic Operational Unit - Traffic Operational Department  
Operational Centre

Address: H-1087 Budapest, Kerepesi út 16.  
Phone: + 36 1/511-1566  
Fax: + 36 1/511-1638  
E-mail: [sondertp@mav.hu](mailto:sondertp@mav.hu);  
[uk.rk@mav.hu](mailto:uk.rk@mav.hu)

GYSEV Zrt Infrastructure Business Unit

Address: H-9400 Sopron, Mátyás király utca 19.  
Phone: + 36 99/517 213  
Fax: + 36 99/517-148  
e-mail: [bjabronka@gysev.hu](mailto:bjabronka@gysev.hu)

### 2.5.3 Rules for running of Ro-La trains

Running of Ro-La trains may cause extra difficulties as regards to railway equipment or wagons, so, forwarding of these trains can only be permitted under special technical and operational conditions. Regulations relating to the running of Ro-La trains are issued by the infrastructure manager. (F.2. Traffic Instructions, Appendix 33, Annex 3.3.1.1 of the Network Statement as well as Restrictions announced on the website of MÁV Zrt).

MÁV Zrt Traffic Operational Unit- Traffic Operational Department  
Operational Centre

Address: H-1087 Budapest, Kerepesi út 16.  
Phone: + 36 1/511-1566  
Fax: + 36 1/511-1638  
E-mail: [sondertp@mav.hu](mailto:sondertp@mav.hu);  
[uk.rk@mav.hu](mailto:uk.rk@mav.hu)

GYSEV Zrt - Infrastructure Business Unit

Address: H-9400 Sopron, Mátyás király utca 19.

Phone: + 36 99/517 213

Fax: + 36 99/517-148

e-mail: [bjabronka@gysev.hu](mailto:bjabronka@gysev.hu)

## 2.6 Conditions for the running of trains which forward dangerous goods

Materials and objects are considered as dangerous goods which are qualified as dangerous goods by the regulation concerning the international carriage of dangerous goods by rail - Convention Concerning International Carriage by Rail (COTIF) Appendix C (RID) and Annex 2 (Regulation on the transportation of dangerous goods) of the SzMGSz Agreement on International Goods Transport by Rail.

Should any wagon of the train contain dangerous goods the train shall be considered as a train transporting dangerous goods irrespective of the owner of the wagons.

When applying for train path, applicants must inform the infrastructure manager if catastrophe level dangerous goods or consignment of high public security risk in accordance with RID Annex 1.10 table 5 are to be forwarded, and must also give information on the train guidance and security arrangements to be taken.

In this case, organisational units of the infrastructure manager to be informed:

MÁV Zrt Traffic Operational Unit- Traffic Operational Department Operational Centre

Address: H-1087 Budapest, Kerepesi út 16.

Phone: +36 1/511-1566

Fax: +36 1/511-1638

E-mail: [uk.rk@mav.hu](mailto:uk.rk@mav.hu)

GYSEV Zrt - Infrastructure Business Unit

Address: H-9400 Sopron, Mátyás király utca 19.

Phone: +36 99/517-213

Fax: +36 99/517-148

E-mail: [bjabronka@gysev.hu](mailto:bjabronka@gysev.hu)

## 2.7. Conditions for the running of rolling stock

The suitability of the rolling stock operated by the Railway Undertaking is proved by the operational licence issued by the railway transport authority. Railway Undertaking must fulfil all technical and transport safety conditions set out for the train composition, technical inspections of wagons, inspection of train, brake trials and the braking level. Railway Undertaking must declare - in line with the decree No 40/2006 of the Ministry of Economy and Transport - about the data, parameters of wagons used or to be used.

Licensing authority:

National Transport Authority

Office of Road, Railway and Aviation Affairs

Railway Department

Address: H-1066 Budapest, Teréz krt. 62.

Phone: +36 1/474-1786

Fax: +36 1/312-6614

## 2.8 Conditions for staff

Suitability of the staff of Railway Undertakings shall be proven by the staff-relevant part of the safety certificate in which the Railway Undertaking verifies that (in compliance with Paragraph 6 Section (2) Subsection (g) of the Decree No. 40/2006 (VI.26.) GKM) its staff has the knowledge of all the instructions regulating railway traffic set out by the Railway Undertaking in the list attached to the application for safety certificate, and have passed railway professional and medical suitability exams defined.

Staff of the Railway Undertaking may carry out shunting of its own only after passing the exam of Training Instructions, having a valid foreman shunting examination in accordance with the training instructions of the Railway Undertaking or Infrastructure Manager, passing the exam of Executive Instruction for Stations (ÁVU) regarding knowledge of local relations, and after performing duty under supervision defined in the Appendix of the Labour Protection Regulation relevant to the given service location.

Should -pursuant to the AVU- no contribution of shunting personnel be necessary to carry out shunting of own, staff of the Railway Undertaking is allowed to carry out shunting without having an examination on local information prescribed above.

In scope of activities that are in connection with the shunting, running and operation of trains, Hungarian shall be applied as the only language.

### 3. INFRASTRUCTURE

#### 3.1. Validity of information about infrastructure, mode of tracing changes

VPE shall display in its homepage changes, modifications in the data of the railway network and shall inform Infrastructure Managers and the rail regulatory body in writing and applicants in electronic format. Should changes and modifications also affect data put down in the Network Statement, VPE shall make amendments to the Network Statement.

#### 3.2 Introduction of the open access railway network

Annex 3.2 comprises the open access railway network operated by MÁV Zrt and GYSEV Zrt and the classification of railway lines as well as the numbering of the railway lines.

##### 3.2.1 Limits of the infrastructure

###### *Conditions of the combined transport*

Conditions of carriage of the transport units of the combined transport can be found in Annex 3.2.1-1.

Railway lines where Ro-La trains can run are indicated in Appendix 3.3.1.1.

###### *Obligation of performing look-out service on the locomotive*

Information on obligation of performing look-out service on the railway network of MÁV Zrt and GYSEV Zrt can be found in Annex 3.2.1-2.

##### 3.2.2 Connecting railway networks

List of border stations of the open access railway network, the name of the infrastructure manager of the border station on the territory of the neighbouring state, as well as the operation times taken into consideration from the point of view of traffic regulation, can be found in Annex 3.2.2-1.

Border points between the railway infrastructure of MÁV Zrt and GYSEV Zrt the relevant infrastructure data are comprised by Annex 3.2.2-2.

On the network of GYSEV Zrt, connecting railway tracks, junction railway tracks and railway networks in own operation connected to the open access railway network can be seen in Annex 3.2.2-3.

##### 3.2.3 Further information related to the network

All other information for the railway network is available at the infrastructure managers, using the contacts given under the point 1.8 to this Network Statement.

### 3.3. Characteristics of open access railway network

#### 3.3.1 Geographical characteristics

##### *3.3.1.1 Lines, track network of the open access railway network*

Main characteristics of open access railway network - broken down to sections in accordance with the changing of typical parameters - can be found in Annex 3.3.1.1.

##### *3.3.1.2 Gauges*

The open access railway network consists of standard gauge (1435 mm) and broad gauge (1524 mm) railway lines.

##### *3.3.1.3 Service places on the open access railway network*

Locations of service places in the open access railway network and the most important technical and operational characteristics of the service places can be seen in Annex 3.3.1.3.

#### 3.3.2 Technical and operational characteristics of railway lines and route sections

##### *3.3.2.1 Loading gauge*

Loading gauges used by MÁV Zrt and GYSEV Zrt as well as international loading gauges and GA (UIC), GB (UIC), GC (UIC) loading gauges are listed in Annexes 3.3.2.1.

##### *3.3.2.2 Applicable maximum axle load and meter load of railway lines*

Axle loads as well as meter loads applicable to different lines can be found in Annex 3.3.1.1.

##### *3.3.2.3 Curves and gradients*

Ruling gradients, maximum gradients, load sections typical of railway lines can be found in Volume I Table 1 of Technical Tables.

For information regarding curves of certain sections of the infrastructure please turn to the locally competent Engineering Section of Track Facilities Department of MÁV Regional Centre, as well as to GYSEV Zrt Infrastructure Business Unit. Availabilities of these units can be seen in Annex 3.3.2.3.

##### *3.3.2.4 Track speed of railway lines*

Speed of track regarding certain railway lines is shown in Annex 3.3.1.1.

MÁV Zrt and GYSEV Zrt Infrastructure Business Unit publish a monthly statement on their websites with the title „Statement of constant and foreseeable temporary speed-restricted runs”.

##### *3.3.2.5 Lengths of trains that may run on railway lines*

Lengths of trains that may run on railway lines without special permission can be seen in Annex 3.3.1.3.

### 3.3.2.6 Characteristics of power supply system

Track clearance on electrified railway lines and on railway lines designated for electrification shall be established in accordance with Standard MSZ 8691/4-81 on „Clearance of national public railways. Clearance dimensions of electrified tracks”.

Voltage of the electric overhead contact line is 25000 V, with a frequency of 50 Hz. Stagger of catenary is 30, 40 cm. Annex 3.3.2.6 contains data of interoperability of the electric overhead line network as well as voltage and frequency data of electrified border crossings. Electrified railway lines are shown in Annex 3.3.1.1.

### 3.3.3 Traffic control, signalling and communication systems

#### 3.3.3.1 Signalling installations

There are mechanical, relay-dependent and electronic signalling installations in operation on the track network.

#### 3.3.3.2 Traffic control systems

Traffic control of the individual lines can be split into the following systems:

- Central Traffic Control(KÖFI)
- Central Traffic Management (KÖFE)
- Operation controlled line
- Traffic control on sidings (MEFI) and radio-based traffic control system on sidings (MERÁFI)
- supervised line and line supervised by station

Traffic control systems in use can be found in Annex 3.3.1.1.

#### 3.3.3.3 Ground-train radio network employed

The ground-train radio network is a 160 MHz, UIC 751-3 type system (450 MHz). Either mobile UIC-type radio-sets built in the vehicle and controlled by one or two operating devices, or fix installed radio-sets can be connected to both types of the ground-train radio systems. Operation-mode of the non-selective 160 Hz radio system is duplex from the operator side and two-frequency simplex from the mobile side, while the operation mode of the 450 Hz selective radio-system is duplex from the operator side and duplex or simplex from the mobile side. Discussions are registered with a date/minutes accuracy.

On the Zalaegerszeg - Rédics line MERAFI (Traffic Control System on sidings) is in operation which can be used by vehicles equipped with special board radio facilities. None of the above ground train radio systems comply with the requirements of interoperability.

The applied ground-train radio network can be found in Annex 3.3.1.1.

#### 3.3.3.4 Automatic train control systems

The following automatic train control systems are in operation or have been installed on the network:

- EVM, EÉVB
- INDUSI
- ETCS.

Railway lines outfitted with automatic train control systems can be found in Annex 3.3.1.1.

### 3.4. Traffic restrictions

#### 3.4.1 Specialised infrastructure

The capacity allocation body can designate certain track section or a part of that as specialised infrastructure for specified railway undertaking activities after a coordination with the concerned Railway Undertakings has taken place, and the railway regulatory body has been informed of the coordination

The designation of a specialised infrastructure cannot hinder the use of the specialised infrastructure for other railway services if there is spare capacity on the track section and the rail vehicles meet the technical requirements of the running on the track section. On the open access railway network no specialised infrastructure is designated.

#### 3.4.2 Environmental restrictions

On the open access railway network there are no environmental restrictions.

#### 3.4.3 Restrictions for forwarding of exceptional consignment and dangerous goods, as well as for running of test trains and Ro-La trains

Conditions of traffic restrictions relating to the forwarding of exceptional consignment, dangerous goods and to the running of test trains and Ro-La trains can be seen in points 2.5 and 2.6 of this Network Statement.

#### 3.4.4 Restrictions for tunnels

Main parameters of railway tunnels in Hungary can be seen in Annex 3.4.4.

#### 3.4.5 Restrictions for bridges and engineering constructions

Restrictions for bridges because of axle load can be found in Volume II. Table 4 of Technical Tables.

### 3.5 Availability of railway infrastructure

The railway network is not available to the applicants on a continual basis.

Restrictions:

*a) operation times on border station taken into consideration from traffic regulation point of view*

Infrastructure Manager may introduce restrictions on certain service places from traffic regulation point of view. Operation times on border stations from traffic regulation point of view can be seen in Annex 3.2.2-1. Over the operation times, border stations listed and services provided there, are not available for applicants.

*b) traffic restrictions because of maintenance, renewal and enhancement works carried out on track facilities*

Maintenance, renewal and enhancement works which concern the access to the infrastructure and are carried out on track facilities can be found in Annex 3.5-1

*c) Service Stoppage*

Infrastructure Manager may introduce restrictions at service places due to traffic regulations. List of service places, which are affected by service stoppage together with their operation times taking into consideration from the point of view of traffic regulation can be found in Annex 3.5-2.

### 3.6 Service facilities

#### Rules relating to service facilities operated by Infrastructure Managers

Should the operator of the service facility be the same as the Infrastructure Manager of the rail track network the service facility is connected to, rules of this Network Statement relating to the Infrastructure Manager shall be the governing rules for supplying of infrastructure services.

#### Dissimilar rules relating to service facilities operated by non-Infrastructure Managers

Operators of service facilities shall notify the Rail Regulator Body of starting their activity within five days after starting.

Should the operator of the service facility be not the same as the Infrastructure Manager of rail track network the service facility is connected to, the operator of the service facility shall deliver up-to-date information (data supply) required to using the services supplied by the service facility to the rail capacity allocation body with a content described below, or should inform rail capacity allocation body of the availability of the website where this up-to-date information is available in electronic form free of charge. Network Statement shall comprise data delivered by the operator of the service facility.

If the Applicant would like to use a non-Infrastructure Manager operated open access service facility, Applicant should has a valid user agreement with the operator of the service facility.

Data supply shall include the following information:

- a) description of the infrastructure, inclusive of basic data required to construct timetable,
- b) terms and conditions of access,
- c) capacity allocation rules,
- d) available services and conditions of their use
- e) charges to be paid for the use of services and the rules of calculation of fees.

The operators of the non-Infrastructure Manager operated service facilities are the followings:

***Budapesti Szabadkikötő Logisztikai Zrt.***

Homepage: [www.bszl.hu/vasut](http://www.bszl.hu/vasut)

***Rail Cargo Terminal - BILK Zrt***

Homepage: [www.railcargobilk.hu](http://www.railcargobilk.hu)

3.6.1 Technical, preparatory and passenger service facilities for passenger trains

Information related to the technical, preparatory and passenger service facilities for passenger trains in each service place of certain lines is listed in Annex 3.3.1.3.

3.6.2 Freight terminals

Detailed information of freight terminals are supplied by the operator of freight terminals.

3.6.3 Passenger and freight train formation stations and service places

List of passenger and freight train formation stations and service places can be found in Annex 3.3.1.3.

3.6.4 Storage sidings

Information related to the storage sidings for railway vehicles in each service place of certain lines is listed in Annex 3.3.1.3.

3.6.5 Maintenance facilities

MÁV Zrt has no vehicle maintenance facilities.

Vehicle maintenance facilities of GYSEV Zrt Infrastructure Business Unit can be found in Annex 3.3.1.3.

3.6.6 Other technical facilities

*3.6.6.1 Interchange of axles*

Facility which is suitable for exchanging of axles of standard gauge and broad gauge wagons is available in the Axle Interchange Workshop in Záhony at MÁV Zrt. (Code of the Service place exchanging from broad gauge to standard gauge is 44320 (Záhony sz.), from standard gauge to broad gauge is 42077 (Záhony-Rendező)).

### *3.6.6.2 Wagon weighbridges*

Infrastructure Managers provide access for Railway Undertakings to wagon weighbridges on locations shown in Annex 3.6.6.2.

### *3.6.6.3 Service places equipped with preheating and precooling facilities and waste water sewer connection*

Possibility of preheating and precooling, connections to traction current, water supply facilities and waste water sewer, tracks equipped with inspection pits ensured by the infrastructure managers on stations, service places, can be found in Annex 3.3.1.3.

### 3.6.7 Maritime and inland waterway port facilities

Infrastructure Managers do not operate any maritime and inland waterway port facilities.

### 3.6.8 Relief facilities

Infrastructure Managers do not operate any relief facilities.

### 3.6.9 Refuelling facilities

Location of refuelling equipment and opening hours can be seen in Annex 3.6.9.

### 3.6.10 Access to loading sidings and loading places

Loading places and sidings to be used for loading can be seen in Annex 3.6.10.

## **3.7 Significant foreseeable infrastructure enhancement works**

Significant infrastructure enhancement works foreseeable for the period after the relevant timetable year can be seen informatively in Annex 3.7.

## 4. CAPACITY ALLOCATION

### 4.1 Introduction

Any applicant who verifies in compliance with point 2.2.1 its entitlement to use the railway infrastructure may request at VPE for rail network services provided within the framework of the open access railway network.

To applicants authorised to reserve capacity, Paragraphs 54-55 of the Railway Act will apply when requesting rail network capacity.

Based on requests, VPE carries out capacity allocation in its train path application information technology system to services provided by the infrastructure manager within the framework of open access.

For track sections, for which neither annual nor late path requests are submitted, VPE shall construct catalogue train paths to be published on its website and in its train path application information technology system.

Railway companies entitled to provide railway passenger, freight transport services, or to operate railway infrastructure are only authorised to order train types as follows:

Holders of operation licence for rail passenger transport are entitled to order

- trains of categories A, B, C, E listed in Annex 4.3-2,

Holders of operation licence for rail freight transport are entitled to order

- trains of category D, E listed in Annex 4.3-2.

Holders of operation licence exclusively for traction service are entitled to order

- Trains of category E listed in Annex 4.3-2

In case of announcement for operation of rail infrastructure network approved by the Railway Agency:

- Trains of category F listed in Annex 4.3-2.

Authorised applicant is entitled to order all train categories excepting trains of category F.

VPE shall treat information supplied by applicants confidentially.

### 4.2 Description of the capacity allocation process

In accordance with community and domestic legislation, dividing of activities among organisations involved in the capacity allocation of open access railway network, ensuring access, provision and use of services provided by the infrastructure manager, as well as the prescription of the entire process can be seen in Annex 4.2.

#### 4.2.1 Train path application for border crossing trains and application for related services

Applicants shall apply for train path for international trains at VPE from the border point or to the border point, respectively for the Hungarian open access railway network.

In this case cooperation is needed with the train operating companies of the neighbouring country. Both the train number and the Railway Undertaking forwarding on the not Hungarian railway network the train from the border or to the border shall be indicated in the train path request.

### 4.3 Rules and deadlines of the capacity allocation process

Applicants shall submit their requests at VEP for the use of track network capacity set out in point 1-4 of Annex 2 of the Railway Act electronically through the train path applying information technology system of VPE. Should the information technology system be not available, Applicant shall submit its request for capacity to VPE on fax. VPE shall enter data of track network capacity submitted on fax into its train path applying IT system. A pattern of application form for this purpose can be seen in Annex 4.3-1.

Railway Undertakings can submit annual, annual late, mid-term, ad hoc and instant capacity requests whereas the authorised applicants can submit annual, annual late, mid-term and ad hoc requests for rail network services. They all need to comprise the type of request, the train type and the train category, as well as the time necessary for carrying out the activity. List of train types and the train categories can be found in Annex 4.3-2.

VPE shall offer catalogue train timetable for satisfying ad hoc short term train path requests. If the Railway Undertaking does not accept the offered catalogue timetable, or in the case of train paths for working trains, VPE shall enclose so called “short term timetable” to the train path request, but running of trains will happen by using of free capacities depending on the train traffic. VPE shall enter the following remark in the heading of the short term timetable: “Offered catalogue train path has not been accepted by applicant. The train will run according to a short term timetable.”

In case of service train path, the following remark is made: “The train will run according to service train path request with a short term timetable.” and the box “direction of entry” will not be filled in if the station is not interlocked. Train crew will be notified about the change of the entry direction of these stations by command in writing in accordance with point 15.18.3 of F.2. Traffic Instructions.

If trains running according to short term timetable run via not interlocked stations, the following statement must also be attached to the short term timetable: “Information about the change of the entry direction at the station [name of the not interlocked station crossed by the train according to the timetable] will be provided by a command in writing in accordance with point 15.18.3 of F.2. Traffic Instructions.”

Should the applicant coming from an open access railway network also wish to reserve / use privately owned railway network relieved of open access, applicant- when applies for rail network services - must hold a service agreement concluded with the operator of the privately owned railway network relieved of open access, and when requesting for rail network services, shall make a declaration on the existence of a service agreement, which contains the command for the validity of the agreement.

In case of transport from or to a privately owned railway network the applicant in its request should indicate the first/last part of the path if serving occurs by train.

12 months prior to entering into force of working timetable at the latest, track construction works and corridor catalogues (hereinafter referred to as corridor catalogue) facilitating the realisation of these construction works specified by Regulation (EU) No 913/2010 of the European Parliament and of the Council of 22 September 2010 concerning a European rail network for competitive freight (hereinafter referred to as 913/2010/EU European Parliament and Council Regulation), shall be published which must be taken into consideration when compiling annual working timetable.

11 months prior to the entering into force of working timetable at the latest, capacity allocation body shall announce corridor catalogues for track sections selected as international rail corridors fostering competitive rail freight transport, which must be taken into consideration when compiling annual working timetable.

VPE shall consider as reserved capacity track construction works on corridors mentioned in the previous two paragraphs and capacities reserved by corridor catalogues in the national capacity allocation system until the time limit specified for individual international rail corridors concerning competitive freight transport.

Infrastructure Manager shall submit to VPE its request for track possession that enables maintenance, renewal and enhancement works that can be scheduled on a yearly base not later than the final date for the submission of yearly requests for rail infrastructure services. Track possession requests linked to works that cannot be scheduled on a yearly base shall be submitted at VPE by the Infrastructure Manager after the final date for submission of yearly requests for rail infrastructure services. Infrastructure Manager shall submit its requests for track possession that cannot be scheduled on a yearly base but do not coincide with any train paths 15 days before starting of planned works, while requests for track possession ensuring operation safety, when it becomes necessary.

Infrastructure manager is exclusively entitled to request at VPE a service train path for his working trains which he intends to run in order to operate his own track network, using not reserved free capacity in the working timetable.

VPE shall without delay inform the applicant and the rail regulatory body of the receipt of a request for rail network services.

For trains crossing a border, if appropriate, pre-constructed international trains paths shall be established which shall be made available for applicants on the website of VPE and through the train path applying information technology system operated by VPE.

Should network path requests submitted for any element of the railway possession or rail network services conflict, VPE shall initiate a coordination process with the involvement of applicants concerned, and shall decide based on this process.

VPE shall inform the applicants concerned, the infrastructure managers and the rail regulatory body on his decisions made in capacity allocation (decisions on track network possession and rail network services allocated in compliance with the Network Statement)

#### 4.3.1 Deadlines for annual train paths and timetabling

Deadline for submitting annual train path requests is the second Monday of April in the previous timetable year (11 April 2016).

Annual late path requests shall be submitted after the deadline for the annual path requests but 5 weeks prior to the entry into force of the annual working timetable (12 November 2016). VPE must deliver to applicants for their feedbacks the draft timetable and/or the draft service plan in terms of the requested train path.

After the deadline of the submission of annual train path requests until 4 July 2016, VPE shall construct the draft annual working timetable taking into account the submitted annual train path requests and the annual late path requests submitted 10 weeks prior to the deadline of the finalization of the annual working timetable (until 13 June 2016) and VPE is obliged to send in writing the relevant parts of timetable to applicants. Applicants

will have possibility to make comments and carry out the necessary arrangements in the following 5 weeks (until 08 August 2016). After this, in the following 2 weeks (until 22 August 2016) VPE shall finalize the annual working timetable i.e. allocate train paths.

Validity period of the annual working timetable begins at 24:00 on the second Saturday of December in the running year and lasts until 24:00 on the second Saturday of December in the subsequent year.

#### 4.3.2 Handling of requests which not belong to the annual working timetable, including short term requests as well

Final date for judgement of annual late requests that were not taken into account during the construction of annual working timetable shall be the last day of the second week prior to the start of the timetable period (27 November 2016).

Type of train path	Deadline for submitting request correlated to the date of the planed train run	Time needed for allocation
Mid-term train path	At least 5 weeks before train run.	Within 5 working days
Ad hoc train path	At least 5 days before train run	As soon as possible, but within 4 working days at the longest
Short term train path	Within 5 days but at least 1 hour before train run	As soon as possible.
Train path for working trains	Before the scheduled time of running	As soon as possible.

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.

#### 4.3.3 Deadlines and procedures of application for services provided by the infrastructure manager

In accordance with the rules of train path application, services referred to in Annex 2 points 1-4 of the Railway Act and published in Chapter 5 of this Network Statement, shall be ordered in the train path application system of VPE, or in case of hindrance, by using the application form defined in point 4.3 of the Network Statement.

Application for services provided by the infrastructure manager may happen jointly with the application for train path, or as an application for services without train path as well.

#### Shunting for own operation

Shunting without the usage of shunting staff of the infrastructure manager or/and traction unit ensured by the infrastructure manager (shunting of its own) may be carried out only in such service locations where traffic operation is ensured. On lines equipped with simplified traffic service, rules that are covered by the Executive Instructions for Line Sections defined in point 2.4.1 l) must apply.

The authorised applicant must indicate the shunting of its own in the train path requesting IT system of VPE and must give the length of time of shunting and the number of vehicles to be shunted.

## Service stoppage

After the finalisation of the annual working timetable, Infrastructure Manager shall publish in Annex 3.5-2 those service places where the availability of service staff is limited. Infrastructure Manager shall make service staff available to Railway Undertaking if Railway Undertaking indicates in the train path requesting IT system of VPE that it intends to use the affected rail network capacity during the period of the service stoppage and Infrastructure Manager confirms this.

### Request for access for public loading sidings

The request for access to public loading sidings and loading area of MÁV Zrt. infrastructure Manager belonging to these sidings, and in the interest of capacity allocation the request shall be indicated by the railway undertaking. This indication must be submitted independently of applying for a train path (without the train path).

The indication shall be submitted with the stating time of the loading stated in it.

In the indication railway undertaking must provide the following information:

- service place concerned, within this, name of the loading siding,
- the requested time of start,
- number of wagons to be loaded/unloaded,
- length of the loading unit (metre),
- the length of time needed for the use of the loading place.

Optionally the following can be specified:

- the referred train path identifier (which can be referred to on the day of the request +/- 48 hours),
- usage of loading interruption (loading on other days than indicated in the lighting calendar and / or on public holidays)

Conditions for the use of public loading sidings and loading areas belonging to these sidings owned by MÁV Zrt can be seen in Annex 4.3-3.

Before requesting for train path and services regarding the railway network of MÁV Zrt, railway undertaking should - if it is possible - consult with MÁV Zrt Operation of Traffic about the possibility of using supplementary and additional services. MÁV Zrt Operation of Traffic receives the preliminary requests regarding the possibility of requesting of infrastructure services provided by the infrastructure manager from 00.00-24.00 hours and shall within 2 hours after receiving the request give preliminary information to the authorised applicant.

For feasibility reasons prior to the allocation of services, railway undertaking is obliged to agree with the infrastructure manager on the allocation of additional and ancillary services with availability parameters other than published in the Network Statement.

### 4.3.4 Procedural order of transferring and using of rail network capacity requests allocated to a non-RU Applicant

Authorised applicant may transfer the right to use the rail network services allocated to it to any other Railway Undertaking (one service at a time to a Railway Undertaking) that has a network access contract concluded with the Infrastructure Manager.

Authorised applicant is obliged to designate the Railway Undertaking actually using the rail network services required by and allocated to the authorised applicant, at least 10 days prior to the actual use of the service.

Within 48 hours after the appointment, Railway Undertaking is entitled to reject the appointment by the non-RU Applicant for the actual use of the reserved capacity. Should the appointment be rejected by an RU, the non-RU Applicant shall appoint another Railway Undertaking 10 days prior to the scheduled usage date of the rail network capacity.

Only one Railway Undertaking can be chosen to use a train path and service even if the request contains more days for running of trains.

Non-RU Applicant may change its appointment until the tenth day before the use of the rail network capacity at the latest. Should the time limit for appointment expire without any result, VPE shall consider the rail network capacity allocated to the non-RE Applicant as cancelled.

#### **4.4 Process of capacity allocation**

Steps set out in legal rules for capacity allocation for the open access railway network, the entire allocation process from the submission of requests to the invoicing of charges can be seen in Annex 4.4.

##### 4.4.1 Coordination procedure

When a request for rail network capacity cannot be satisfied due to its conflict with other capacity requests even taking into account judgement provisions defined in legal rules, or any of these requests cannot be refused, a coordination procedure shall be conducted. VPE shall initiate the coordination procedure in writing and in electronic format by simultaneously notifying each applicant affected and the rail regulatory body within two working days after VPE has got to know of the conflict of applications submitted for the railway network capacity.

The notice on the coordination process shall include:

- the capacity affected by conflicts between applications for railway network capacity,
- the proposed capacity which differs from that which was requested,
- the venue, date and time of the coordination procedure,
- consequences if parties concerned fail to participate in the coordination procedure.

The coordination procedure shall be conducted by VPE. Minutes shall be prepared and signed by each party participating in the coordination procedure. Each party shall receive one copy of the minutes.

Should the coordination procedure not achieve a result within 10 working days, VPE shall decide on the requests affected by the coordination procedure by taking into account the sequence defined by Paragraph 15 Sections (4) and (5) of Decree No 55/2015 (IX.30) NFM, and consequently, may make such a proposal to an applicant which differs from the applicant announced previously.

Immediately after decision making, VPE shall notify in writing the affected applicants and the rail regulatory body of its decision made in disputes which cannot be resolved during the coordination procedure.

#### 4.4.2 Disput resolution process, possible recourse

In accordance with the provisions of Paragraph 79/B, Section(1), points c) and d) of the Railway Act, Railway Undertakings or non-independent infrastructure managers may initiate legal dispute process at the rail regulator body against decisions made by VPE in the matter of ensuring and allocating rail network capacity.

A non-RU Applicant may submit its recourse to the competent court having jurisdiction in compliance with Act III of 1952 on the Code of Civil Procedures in the event if the non-RU Applicant has not initiated a legal dispute process at the rail regulatory body in the given matter yet and will not intent to initiate any.

#### 4.4.3 Congested track section

##### *4.4.3.1 Congested track section*

For a more balanced use of the rail network, in order to avoid congested rail track sections, as well as to prevent the development of congestion, capacity allocation body may appoint replacement rail track sections. Should VPE appoint replacement rail track sections it shall publish them simultaneously with train path catalogues and in the same manner.

If on a certain railway section even in the framework of a coordination process it is not possible to satisfy train path requests, and as a consequence of this, train path requests rejected run up to or go beyond 10% of the monthly theoretical capacity of a certain railway section, or if train path requests to be foreseeable submitted within a year are very likely not to be satisfied, VPE shall qualify the concerned part of the railway network as a congested railway section, and shall initiate at the infrastructure manager that it prepares capacity analysis and also makes proposal- for removal of congestion.

If VPE - based on the data supply provided by the Infrastructure Manager - detects that the capacity usage reserved for congested track section is less at least for 1 month than the threshold (60%) set out in the Network Statement, VPE should inform the concerned applicant on this fact within 3 days. In addition, VPE should invite the applicant to declare within 8 days whether existed such causes out of its interest, which resulted that the rail network had not been available. Necessary documents which can prove cause(s) should be attached.

If the applicant does not fulfil this obligation in time or does not prove the cause out of its own interest, VPE should withdraw the reserved capacity. Immediately after decision making, VPE should inform affected applicants, infrastructure manager and rail regulatory body.

After coordination between the Infrastructure Manager, Applicant and VPE, Infrastructure Manager shall carry out capacity analysis regarding congested track sections within six months after declaring the rail network or any part of it congested.

In the capacity analysis, Infrastructure Manager shall identify restrictions of satisfying capacity demands, and also works out proposals to remove restrictions. Capacity analysis specifies the reasons of congestions and short term and middle term measures to alleviate congestion.

Within six months after the completion of a capacity analysis, Infrastructure Manager shall prepare a capacity enhancement plan, following a consultation with capacity Applicants.

Capacity enhancement plan shall specify:

1. reasons for the congestion,
2. expected short, middle and long term trend of traffic,
3. restriction of development of rail track section,
4. possibilities and costs of capacity enhancement including expected changes in network access charges,
5. possible actions for capacity enhancement and cost-benefit analysis of their realisation,
6. schedule for the execution of proposed actions,
7. Amount of financial funds to execute actions (within which the amount of state aid).

Infrastructure Manager shall send capacity enhancement plan to VPE and the rail regulatory body indicating also possible differences of opinions remaining after the consultation. Should measures specified in the capacity enhancement plan need also the use of state aid, Infrastructure Manager shall send capacity enhancement plan also to the minister responsible for transportation. Infrastructure Manager shall report to rail regulatory body on the implementation of measures specified in the capacity enhancement plan in every quarter year.

There is no congested track section on the open access network.

#### *4.4.3.2 Priority rules and procedure to be followed*

On a congested railway section train path requested by the Infrastructure manager shall have priority if

- the use of the capacity is needed to execute the provisions of a legal rule, or
- Infrastructure Manager carries out maintenance, renewal or enhancement works.

Infrastructure Manager may not enforce its need for priority laid down above over public services operated in peak hours.

On a congested railway section, after enforcing the provisions above, or if annual, annual late, ad hoc and short term requests coincide, with the exception of railway sections designated as specialized infrastructures, priority shall be given to

- Railway public services,
- International passenger transport,
- International freight transport,
- Other freight transport,
- Other passenger transport.

If train path request to which priority shall be given in accordance with the previous paragraph cannot be identified, priority shall be given using ranking below:

- to trains running on the basis of the Regular Interval Timetable, ,
- to train paths ordered in the scope of the framework agreement,
- train path requests covering more than one traffic days,
- train path requests for longer distances,
- train path request of regularly running trains,
- train path requests submitted earlier.

#### *4.4.3.3 Revocation of the allocation*

For a congested track section, VPE is entitled to withdraw those rail network services of applicants which were used only in less than 60% over a period of 3 months (threshold

value), except cases when it happens for a reason beyond the applicant's control. When determining the rate of capacity-utilisation, calculations shall be based on the number of train paths. Threshold value must also be applied to train paths ensured/allocated by a virtue of a framework agreement.

VPE is entitled to revise the right for using the allocated rail network service if in any of the papers, documents specified in 2.2.1 justifying the right prescribed for using the railway infrastructure have been modified.

If the papers, documents referred to in the previous paragraph do not justify the right of the applicant to use the rail network service, VPE may revoke the right to use the service. VPE shall inform the applicant and the Infrastructure Manager of the revocation of the train path.

#### 4.4.4 Effect of the framework agreement

Train path request submitted on the basis of a framework agreement has priority in accordance with provisions of Paragraph 17, Section (4) of the Decree No. 55/2015 (IX.30) NFM.

### **4.5 Capacity allocation for maintenance, renewal and enhancement works**

#### 4.5.1 Process description

The Infrastructure Manager is entitled to carry out maintenance, renewal and enhancement works or mandate any other company to carry out these works (in the followings: track possession) on the open access railway network operated by this IM, and to reserve capacity for these works, and to use the railway network.

Infrastructure Manager is obliged to carry out maintenance, renewal and enhancement works in such a manner that loss of revenues to be expected for the duration of these works and influence on train movements should be as little as possible.

Infrastructure manager shall submit at VPE its requests for track possession in compliance with the procedure described in this point to carry out such maintenance, renewal and enhancement works on the railway network which disturb or limit train movements on the affected track section. Expected effects of the maintenance, renewal and enhancement works updated shall be published on the home page of VPE continuously in an up-to-date version.

##### *4.5.1.1 Ensuring railway network capacity for scheduled maintenance, renewal and enhancement works*

By the final date for submitting of annual train path requests (11 April 2016), Infrastructure Manager may submit at VPE in the train path requesting system of VPE its annual request for track possession to be taken account of when constructing working timetable for the relevant year. If this system is not available, by using the pattern set out in Annex 4.5.1.1. Infrastructure Manager shall attach train run plan at the same time when submitting requests for track possession. Train run plan can be modified until the final date of submitting of annual requests for track possession. VPE shall satisfy annual track possession requests in compliance with rules relating to the annual working timetable.

#### *4.5.1.2 Capacity allocation rules for maintenance, renewal and enhancement works which can not be scheduled on a yearly base*

For the length of time carrying out such track possession which cannot be scheduled in the period of constructing the annual working timetable, and which disturb or limit train movements on the affected track section, Infrastructure Manager shall apply for network capacity in the train path application system of VPE - if this system is not available by using the pattern shown in Annex 4.5.1.1, taking into account the loss of revenues to be expected and the possible liabilities to compensate damages regarding train paths allocated. On the basis of submitted train path request, if it concerns allocated train paths.

Types of non-annual track possession request are as follows:

- a.) track possession request submitted not later than 70 days prior to the scheduled start day of works,
- b.) track possession request submitted more than 50 days and less than 69 days prior to the scheduled start day of works,
- c.) track possession request submitted more than 30 days and less than 49 days prior to the scheduled start day of works,
- d.) track possession not disturbing any train path
- e.) track possession for operation safety.

When submitting a track possession request, the following data shall be given:

- affected track section (track between two stations, right-left track, station track etc.),
- time period (from month-day-hour-minute to month-day-hour-minute, or from train to train, etc.),
- technological characteristics (neutralisation of contact line, speed restriction signal, etc.)

If Infrastructure Manager submits its non-annual track possession request at VPE before the start of the works, it shall simultaneously declare that the preliminary consultation with capacity Applicants affected by the track possession request has resulted in an agreement. Train run plan of track possession under the agreement of affected parties shall be submitted to VPE at the same time when track possession request. Train run plan shall comprise beyond the location and time of works also its influence on capacity. On the basis of the delivered train run plan, capacity allocation body shall prepare a study timetable according to which the modification of the affected, allocated capacity requests shall be the responsibility of the owner of the capacity. Should the modification of capacity requests not happen by the 25th days prior to the start of the track possession at the latest, capacity allocation body shall withdraw the affected, allocated capacity requests.

On the basis of submitted track possession requests if it affects allocated train paths as well, VPE shall initiate the suspension of the working timetable of the given track section, and shall prepare a provisional working timetable in accordance with the attached train run plan if the owner of the train path has initiated the modification of the train path.

Should Infrastructure Manager submit its request for track possession at the latest 70 days before the start of the work, but previous consultation with affected capacity Applicants has not achieved any agreement, Infrastructure Manager may entitle capacity allocation body that it withdraws allocated capacity requests coinciding with track possession requests, if Infrastructure Manager can verify that it proposed to the affected Applicant

such an appropriate alternative solution that would not result in an increase of network access charge to be paid by the capacity Applicant.

Should the Infrastructure Manager submit its non-annual track possession request more than 50 days and less than 69 days prior to the scheduled start time of the works, Infrastructure Manager shall refund to the Applicants additional costs resulting from the use of track because of track possession.

Should the Infrastructure Manager submit its non-annual track possession request more than 30 days and less than 49 days prior to the scheduled start time of the works, Infrastructure Manager shall refund to the Applicants additional costs resulting from the use of track and traction because of track possession.

Regarding modified train paths, VPE shall construct - based on train path requests submitted again - new timetable (temporary working timetable) which will become part of the working timetable.

Infrastructure Manager shall submit at VPE 15 days prior to the start time of the works - if it is possible - its track possession requests that do not coincide with any train path. On the basis of the so submitted track possession request, VPE shall initiate the suspension of the working timetable on the given track section, and also shall involve such train path requests into the track possession requests the run of which shall be ensured by the Infrastructure Manager during the track possession.

Infrastructure Manager may submit track possession request for operation safety at the capacity allocation body

- a) if it is submitted because of an unforeseeable situation endangering safety of life, property or railway operation,
- b) if its purpose is to restore scheduled train run as soon as possible,
- c) if it is not connected to any other track possession request and
- d) if it becomes valid at the same time when the allocation by the capacity allocation body takes place.

In the event of track possession for operation safety, Infrastructure Manager is entitled to initiate at capacity allocation body the withdrawal of allocated capacity requests affected by track possession, if, at the same time IM informs Applicant about the track possession for operation safety purpose, and declares that the submitted track possession request for operation safety purpose is not in connection with other track possession requests. On the basis of information and declaration, capacity allocation body shall revoke the allocated capacity requests.

In the event of non-annual track possessions, train path or service requests that are submitted during the period between the submission and the allocation of track possession requests and are affected by the section for which track possession was requested, shall be taken into account as if track possession would have been allocated, or they shall be judged after the allocation of track possession. Infrastructure Manager shall carry out such works in such a manner that the extent and period of time of the trouble should be as little as possible.

Using delay codes attributable to the activity of the Infrastructure Manager and specified in the decree on detailed rules of rail performance regime, track possession can be performed in a time that deviates from time data defined by track possession. Deviation from time data defined in the track possession cannot be more than 24 hours.

#### **4.6 Cancellation rules, procedure if train path is not cancelled**

Applicant may cancel rail track capacity allocated to it, and Infrastructure Manager may cancel track possession request allocated to it for the purpose of maintenance, renewal and enhancement at VPE in writing or electronically through the train path requesting IT system of VPE or via fax not later than 24 hours after the planned date of train run.

Infrastructure Manager considers the rail network capacity cancelled in the following cases:

- if the network access contract is not concluded between the Infrastructure Manager and the Railway Undertaking assigned by the authorised applicant for a reason imputable either to the authorised applicant or to the Railway Undertaking until the deadline expires determined by the Infrastructure Manager,
- if the network access contract concluded between the Railway Undertaking and the Infrastructure Manager is terminated or its implementation is suspended by the Infrastructure Manager.
- If the Railway Undertaking does not start the use of the ordered service within 24 hours starting from the time requested in the allocation.

#### **4.7 Forwarding of exceptional consignment and dangerous goods, running of test trains and Ro-La trains**

Forwarding of exceptional consignment and dangerous goods, running of test trains and Ro-La trains are subject to authorisation, so, they shall be indicated when requesting train path.

Procedure of forwarding of exceptional consignments can be seen as regards MÁV Zrt in Annex 4.7.1, as regards GYSEV Zrt in Annex 4.7.2.

#### **4.8 Special measures in the event of disturbances, emergency**

##### 4.8.1 Main principles of restoring the scheduled traffic

- In the event of deviation from the daily plan and timetable, the operational and operative control organisation of the infrastructure manager shall take the necessary steps to remove disturbances, restore the scheduled train movements in accordance with timetable.
- Railway Undertakings shall make a contact person entitled to decide or an own governing organisation continuously available who may be notified by the operational and operative managing organisation of the infrastructure manager in the event of disturbances or emergency, and the request of whom shall be taken into consideration in order to restore the scheduled operation.
- Act of God and other unforeseeable, exceptional circumstances
  - In the event of disturbance to train movements caused by technical failure or accident, infrastructure manager must take all necessary steps to restore the normal operational situation and inform the affected Railway Undertakings. To this end infrastructure manager shall draw up adequate regulation which involves bodies to be informed in the event of serious accidents or serious disturbance to train movements.
  - On request of the infrastructure manager, Railway Undertakings - on payments - are obliged to make available their resources which they consider to be the most appropriate tool to restore as soon as possible the normal operational situation.

- In the case of disturbance which makes the railway infrastructure temporarily unusable, infrastructure manager - with the notification of the interested parties - may withdraw the allocated train path for such a long time as it is necessary to repair the system. On request of the applicant, VPE shall offer for this period another train path from free capacity available.

#### 4.8.2 Procedural order

##### Procedure

- Operation control organisation of the Infrastructure Manager shall take measures to remove obstacles from the track,
- with the contribution of the operation control organisation of the applicant or the representative of the applicant operation control organisation of the Infrastructure Manager shall take the necessary steps to cease disturbance, emergency and to run the trains of the Railway Undertakings.

#### 4.8.3 Foreseeable problems

In the event of foreseeable emergency, provisions of Paragraph 31 Section (2) points a)-b) of the Railway Act shall be followed.

#### 4.8.4 Unforeseeable problems

In the event of unforeseeable emergency, provisions of Paragraph 31 Section (2) points a)-b) of the Railway Act shall be followed.

### **4.9 Capacity allocation of service**

Should the service facility be not operated by the Infrastructure Manager, its capacity shall be allocated by the operator of the service facility.

## 5. RAIL NETWORK SERVICES

### 5.1 Introduction

The use of the open access railway network and rail network services of the Infrastructure Manager provided within the open access shall be made available to each applicant under equal conditions and at the same price have to be paid.

The content of the services provided by the Infrastructure Managers of MÁV Zrt and GYSEV Zrt may be different owing to local features. These discrepancies are presented in the Network Statement in all cases. If there are no discrepancies indicated in the Network Statement, the services offered by Infrastructure Managers are provided with the same content.

Related infrastructure background is presented in Chapter 3, conditions of charging system and prices have to be paid in connection with the services can be found in Chapter 6.

### 5.2 Basic services

Services provided on the basis of Annex 2 point 1 of the Railway Act.

#### 5.2.1 Ensuring of train path

Handling of application for rail network capacity.

Content of the service:

- receipt of the client's request in electronic way (including supplementary, additional and ancillary services belonging to the request),
- examination of feasibility of the request,
- construction of the necessary timetable,
- examination of achievability of the service belonging to the request,
- feedback to the applicant about the acceptance and realization of the request,
- necessary steps in the interest of execution.

#### 5.2.2 Running of trains

This service comprises:

- making the open access railway network available to Railway Undertakings for transporting goods and passengers and carrying out traction,
- ensuring the use of open access railway lines, straight main running lines, point switches, track junctions, engineering structures, as well as signalling and safety equipment,
- running of trains by ensuring staff, tools and information systems of traffic control and traffic operation,
- handling and forwarding data necessary for the running of railway vehicles, (if necessary, issuing of permit for forwarding of exceptional consignment, registration of consignment, delivery of offer in writing),
- performing Infrastructure Manager's task for handling train run document and annexes.

### 5.2.3 Use of catenary system

Access part of service

The service comprises:

- access to and use of the overhead contact wire system and power supply system (without providing electric energy).

## **5.3 Supplementary services**

### 5.3.1 Access to service facilities

Services provided on the basis of Annex 2 point II of the Railway Act.

Supplementary services have been divided into three categories as follows:

- access type service: services providing access to infrastructures and service facilities,
- supply type service: providing services connected to infrastructures and service facilities,
- complex services: ensuring both services mentioned before.

Supply part of services (as a part of complex services) can be provided by the Infrastructure Manager only at the service places that have the necessary infrastructure and/or facilities to provide the service.

#### *5.3.1.1 Passenger stations*

##### *5.3.1.1.1 Use of stations for stopping by passenger trains*

Complex service for trains of train-categories A and B listed in Annex 4.3-2

#### *The access part of service includes:*

- ensuring access to and use of track network and other facilities of passenger stations, halts and stops used for passenger transport and not included in basic services,
- ensuring access to and use of passenger service buildings, facilities, passenger areas, platforms, underpasses and footbridges.
- ensuring the use of traffic operation activity related to stopping of trains at stations and necessary for dispatching and receiving of trains.

#### *The supply part of service includes:*

- - providing information to passengers at stations and ensuring of services to passengers
- - ensuring the surveillance of stations with security and patrol service not containing the security service related to railway vehicles
- - ensuring the use of the waiting hall, other passenger areas and buildings as well as services connected to them and ensuring the use of the ticketing buildings.

For using any of the above mentioned services, the service “Use of station for stopping” shall be ordered for every station where the train stops inclusive of origin and destination station as well as request stop.

#### 5.3.1.1.2 Use of the origin/destination stations by passenger trains

Complex service for trains of train-categories A, B and C listed in Annex 4.3-2.

*The access part of service comprises:*

- ensuring access to track network necessary for formation, shunting and splitting-up of passenger trains, as well as access to track related technical devices containing signalling and safety equipment,
- ensuring the use of traffic operation activity related to shunting,
- ensuring access to and use of installed equipment necessary for preheating, pre-cooling, water supply, emptying waste water from closed system toilets, wagon cleaning of passenger trains as well as access to facilities related to rail rolling stock maintenance facilities,

*The supply part of service includes:*

- ensuring access to and the use of installed equipment necessary for pre-heating, pre-cooling and water supply and providing services related to them (without providing energy).

#### 5.3.1.2 Use of stations by freight trains

Complex service for trains of train-category D listed in Annex 4.3-2.

*The access part of service comprises:*

- access to railway tracks, train reception tracks and facilities belonging to stations but not included in basic services (tracks and related engineering equipment used by the trains and detached/inserted wagons) for the purpose of freight transport,
- use of traffic operation activity at stations related to dispatch and reception of trains but not included in basic services (traffic control, recording of data of train run),
- access to marshalling yards and wagon shunting equipment, as well as access to station sidings ensuring track access there,
- provision of traffic operation activity needed for marshalling, with the exception of provision of traffic activity related to the use of the following services: Ensuring access to wagon weigh bridges, Ensuring access to refuelling facilities and Storage of vehicles.
- access to open access privately-owned networks, loading places, transshipment sidings designated for loading, as well as ensuring access to facilities enabling transshipment between different gauges, to rail rolling stock maintenance facilities and to tracks enabling access to freight terminals.

*The supply part of service comprises:*

- ensuring the surveillance of stations with security and patrol service not containing the security service related to railway vehicles
- ensuring the use of buildings necessary for freight transport and providing related services.

### 5.3.1.3 Access to marshalling yards and train formation facilities

Access to marshalling yards and train formation facilities is included in services for the use of stations set out in Points 5.3.1.1 and 5.3.1.2.

On the railway network of MÁV Zrt the following service places count as marshalling yards:

- Ferencváros (10025, 40162, 46466), Eperjeske-Rendező (42358), Fényeslitke-Déli rendező (42127), Miskolc-Rendező (12641).

### 5.3.1.4 Storage of vehicles

Access type service.

The service comprises:

- ensuring the storage of vehicles beyond 24 hours, use of sidings enabling track access to storage sidings and the provision of relating traffic operation activity.

Safe-keeping and protection of stored vehicle(s) is the obligation of the Railway Undertaking; the service does not comprise the protection itself. Applicant is obliged to indicate its need for storage by ordering the service before the expiry of the 24 hours. Before the expiry of the 24 hours it is not considered as storage of vehicles.

The following cases are not qualified as storage of vehicles:

- stay of wagons awaiting loading or unloading for less than 120 hours,
- stay of passenger cars for less than 120 hours on origin/destination stations,
- stay of wagons and cars as a consequence of accidents, exceptional events,
- storage of vehicles used for the purpose of operating the infrastructure.

### 5.3.1.5 Use of maintenance facilities

On the network of GYSEV Zrt. this service is included in services for the use of stations.

MÁV Zrt does not provide this service.

### 5.3.1.6 Other technical facilities

#### 5.3.1.6.1 Use of wagon weigh bridges (scales)

Complex service.

*The access part of service comprises:*

- use of sidings ensuring track access to the scale house, and
- provision of relating traffic operation activity.

*The supply part of service includes:*

- ensuring scales in good working order
- access to the scale house
- supervising the weighing of wagons carried out by the applicant.

Infrastructure Managers shall ensure availability of this service in places and in time period set out in Annex 3.6.6.2.

When weighing railway wagons, person carrying out weighing activity shall enter into the scale journal of the Infrastructure Manager the following data corresponding to facts:

- serial number of the railway vehicle,

- gross load weighed,
- number of axles of the railway vehicle,
- empty weight of wagon marked on the railway vehicle.

#### *5.3.1.7 Use of inland waterway port facilities connected to railway activity*

The infrastructure managers do not provide this service.

#### *5.3.1.8 Use of relief facilities*

The infrastructure managers do not provide this service.

#### *5.3.1.9 Use of refuelling facilities*

Complex service.

*The access part of service comprises:*

- use of sidings enabling track access to refuelling facilities, and
- provision of relating traffic operation activity.

*The supply part of service includes:*

- ensuring the use of buildings and devices necessary for refuelling and providing related services (without providing fuel).

Infrastructure Managers shall ensure availability of this service in places and in time period set out in Annex 3.6.9.

### 5.3.2 Supply of service in service facilities

#### *5.3.2.1 Shunting*

##### *5.3.2.1.1. Ensuring of shunting staff*

Supply type service for trains of train-category A, B, C, D, E listed in Annex 4.3-2.

The service comprises:

- ensuring of shunting staff to carry out shunting activity in service places and operation hours published in Annex 5.3.2.1,
- also in service places and/or operation hours other than published in Annex 5.3.2.1 if the necessary resources to be ensured by the Infrastructure Manager are available.

The following movements are qualified as the service “Ensuring staff for shunting”: vehicle-coupling, protection of level crossings, detaching of wagons from trains or inserting of wagons to trains, train formation, splitting-up of trains, fine sorting of wagons and all station activities that are performed with the contribution of a shunting foreman and/or shunter (or any other personnel of the Infrastructure Manager performing the task) ensured by the Infrastructure Manager irrespectively of the train-category of the train shunted. Station Executive Instruction of the given station stipulates the minimum number of staff necessary to carry out the shunting activity in question.

Infrastructure Managers provide the service “Ensuring staff for shunting” only in cases when applicant orders the minimum number of staff necessary to carry out the shunting activity.

#### *5.3.2.1.2 Staff available for shunting*

Supply type service for trains of train-category A, B, C, D, E listed in Annex 4.3-2

The service comprises:

- availability of shunting staff to carry out shunting activity in service places and operation hours published in Annex 5.3.2.1,
- also in service places and/or operation hours other than published in Annex 5.3.2.1 if the necessary resources to be ensured by the Infrastructure Manager are available.

The following movements are qualified as the service “Staff available for shunting”: vehicle-coupling, protection of level crossings, detaching of wagons from trains or inserting of wagons to trains, train formation, splitting-up of trains, fine sorting of wagons and all station activities that are performed with the contribution of a shunting foreman and/or shunter (or any other personnel of the Infrastructure Manager performing the task) ensured by the Infrastructure Manager irrespectively of the train-category of the train shunted.

Station Executive Instruction of the given station stipulates the minimum number of staff necessary to carry out the shunting activity in question.

MÁV Zrt does not provide this service.

#### *5.3.2.1.3 Ensuring of traction unit*

Supply type service for trains of train-category A, B, C, D listed in Annex 4.3-2

The service comprises:

- ensuring of traction unit for shunting,
- ensuring of driving crew operating the traction unit.

Infrastructure Manager ensures traction unit in service places and working hours indicated in Annex 5.3.2.1 Traction unit ensured by the Infrastructure Manager cannot be ordered without the ensuring of the shunting crew by the Infrastructure Manager.

The following activities are qualified as the service of ‘Ensuring of traction unit’:

- track-change of vehicles,
- forwarding of vehicles to the delivery point of privately-owned railway network at stations or to the border point of open access railway network and the privately owned railway network branching from the station,
- detaching of wagons from trains or inserting of wagons into trains,
- train formation, splitting-up of trains, fine sorting of wagons and all station activities that are performed with the contribution of traction units ensured by the Infrastructure Manager.

#### *5.3.2.1.4 Traction unit available for shunting*

Supply type service for trains of train-category A, B, C, D listed in Annex 4.3-2

The service comprises:

- availability of traction unit to carry out shunting activity in service places and operation hours published in Annex 5.3.2.1,
- also in service places and/or operation hours other than published in Annex 5.3.2.1 if the necessary resources to be ensured by the Infrastructure Manager are available,
- ensuring of driving crew operating the traction unit.

Traction unit available for shunting ensured by GYSEV Zrt cannot be ordered without the ensuring of Staff available for shunting by GYSEV Zrt.

The following activities are qualified as the service of 'Traction unit available for shunting':

- track-change of vehicles,
- forwarding of vehicles to the delivery point of privately-owned railway network at stations or to the border point of open access railway network and the privately owned railway network branching from the station,
- detaching of wagons from trains or inserting of wagons into trains,
- train formation, splitting-up of trains, fine sorting of wagons and all station activities that are performed with the contribution of traction units ensured by the Infrastructure Manager.

MÁV Zrt does not provide this service.

#### *5.3.2.2 Other services*

##### *5.3.2.2.1 Ensuring of fuel for traction*

Supply type service for trains of train-category A, B, C, D, E listed in Annex 4.3-2

The service comprises:

- provision of fuel for traction.

Fuel on the territory of MÁV Zrt may be purchased only at railway refuelling stations operated by the company.

A mobile refuelling on the territory of GYSEV Zrt is possible but only with a preliminary approval of GYSEV Zrt.

##### *5.3.2.2.2 Ensuring water for water supply*

Supply type service for trains of train-category A, B, C, D, E listed in Annex 4.3-2.

The service comprises:

- the provision of water for filling and for water supply.

List of service places suitable to use this service can be found in Annex 3.3.1.3.

MÁV Zrt does not provide this service.

#### 5.3.2.2.3 *Train acceptance*

Supply type service for trains of train-category A, B, C, D, E listed in Annex 4.3-2.

The service comprises:

- the registration of data required for preparing the total weight report (VTK) of a departing train; communication of these data in order to enter them into the IT system of the Infrastructure Manager,
- carrying out braked weight calculation and
- handling of rear light.

GYSEV Zrt does not provide this service.

#### 5.3.2.2.4 *Train preparation*

Supply type service for trains of train-category A, B, C, D, E listed in Annex 4.3-2.

The service comprises:

- the registration of data required for preparing the total weight report (VTK) of a departing train; communication of these data in order to enter them into the IT system of the Infrastructure Manager,
- carrying out braked weight calculation and handling of rear light,
- labelling of railway wagons,
- checking the existence of wagon lock, in case of lack or damage, replacement of wagon lock.

Previous recording of conditions is required before using the service, in case of the following activities: labelling of railway wagons, checking the existence of wagon lock and replacement of wagon lock in case of lack or damage.

GYSEV Zrt provides the service in the service places and operation hours published in Annex 5.3.2.2.4.

MÁV Zrt does not provide this service.

#### 5.3.2.2.5 *Ensuring of staff for weighing*

Supply type service.

The service comprises:

- carrying out of weighing of wagons.

MÁV Zrt provides this service in service places and operation hours published in Annex 5.3.2.2.5.

GYSEV Zrt does not provide this service.

#### 5.3.2.2.6 Exchange of axles

Supply type service.

The service comprises:

- the exchange of rail vehicles' bogies, which have different gauge (it should mean the exchange of bogie from wide gauge to normal and vice versa),
- technical inspection of vehicles after the exchange of bogies, that is technical inspection of railway vehicles with bogies exchanged to broad gauge or bogies exchanged from broad gauge to standard gauge in accordance with Technical Wagon Service Instructions No. E.12.

MÁV Zrt provides this service in service places published in Annex 3.6.6.1.

GYSEV Zrt does not provide this service.

#### 5.3.2.2.7 Use of bogies

Supply type service.

The service comprises:

- use of bogies.

GYSEV Zrt does not provide this service.

### 5.4 Additional services

Services listed in Annex 2 point 3 of the Railway Act.

#### 5.4.1 Ensuring of traction current

Service for trains of train-category A, B, C, D, E listed in Annex 4.3-2.

The service comprises:

- transmission of traction current through private wire.

#### 5.4.2 Services for trains

*5.4.2.1. Ensuring of electric energy for other than traction purposes (for preheating, precooling)*

Service for trains of train-category A, B, C, D, E listed in Annex 4.3-2.

The service comprises:

- transmission of electric energy through private wire for other than traction purposes (preheating, precooling).

Service places suitable for providing this service are listed in Annex 3.3.1.3.

#### 5.4.2.2. *Ensuring of fuel for other than traction purposes (for preheating, precooling)*

Service for trains of train-category A, B, C, D, E listed in Annex 4.3-2.

The service comprises:

- ensuring of fuel for other than traction purposes (for preheating, precooling).

MÁV Zrt provides the service in the service places and operation hours published in Annex 3.6.9.

GYSEV Zrt does not provide this service.

#### 5.4.3 Transport of dangerous goods, exceptional consignments, running of test trains and Ro-La trains

Issue of permit to the Applicant necessary to forwarding of exceptional consignments, registration of the consignment, sending of a proposal in writing are included in the service “Running of trains”.

Procedure of forwarding of exceptional consignments can be seen as regards MÁV Zrt in Annex 4.7.1, as regards GYSEV Zrt in Annex 4.7.2.

### **5.5 Ancillary services**

Services listed in Annex 2 point 4 of the Railway Act.

#### 5.5.1 Access to telecommunication network

The Infrastructure Managers do not provide this service.

#### 5.5.2 Provision of supplementary information

The Infrastructure Managers do not provide this service.

#### 5.5.3 Technical inspection of railway vehicles

The service comprises:

- technical inspection of railway vehicles in accordance with Technical Wagon Service Instructions No. E.12.

GYSEV Zrt provides this service in service places and operation hours defined by Annex 5.5.3.

MÁV Zrt does not provide this service.

#### 5.5.4 Ticketing and reckoning activity

This service includes the following activities performed by the staff of the infrastructure manager:

- sale of train tickets and other articles defined in the Passenger Transport Statement and in its annexes, instructions and orders of the railway company (hereinafter together: train tickets) as well as provision of relevant information
- reimbursement of train tickets,

- handling of complaints, reports, damage claims relating to the sale of train tickets, provision of relevant information,
- accounting for and reckoning with cash income,
- cash activity relating to selling of train tickets during the sales activity, expenses and collecting income to the benefit of the applicant,
- other tasks relating to the above.

The Infrastructure Managers provide this service in service places and operation hours defined by Annex 5.5.4.

#### 5.5.5 Significant maintenance works performed in individual maintenance facilities

The Infrastructure Managers do not provide this service.

## 6. CHARGES

### 6.1 Charging principles

VPE shall lay down the method of determination of elements of the charging system in the Charging Methodology (Annex 6.1-1).

VPE shall carry out determination of elements of the charging system for the given timetable year on the basis of provisions of the Charging Methodology, fact data of the last closed business year of the Infrastructure Manager, plan data of the business plan of the Infrastructure Manager in the year of charge as well as the volume of the central budget aid (hereinafter referred to as state contribution).

Charging Document (Annex 6.1-2 to this Network Statement) contains calculations relating to the determination of network access charges and data for calculations.

Given that the scope of this Network Statement applies to the open access railway networks of both MÁV Zrt and GYSEV Zrt, but fees to be paid may differ in respect of the two rail networks, so values connected to certain services set out in Chapter 6 shall be described separate in respect of the two Infrastructure Managers.

Regarding the 2016/2017 timetable period the following charging elements will not apply to any of the Infrastructure Managers.

- congestion fee laid down in Paragraph 67/C (1) of the Railway Act
- environmental protection fee laid down in Paragraph 67/C (2) of the Railway Act,
- rail network maintenance fee laid down in Paragraph 67/D (3) of the Railway Act,
- fee for different gauges laid down in Paragraph 67/G (1) of the Railway Act,
- investment fee laid down in Paragraph 67/G (2) of the Railway Act,
- general discount laid down in Paragraph 67/H (3) of the Railway Act,
- individual discount laid down in Paragraph 67/H (4) of the Railway Act,
- countervailing benefit laid down in Paragraph 67/I of the Railway Act.

In accordance with Paragraph 67/G (3) of the Railway Act, the use of ETCS fee is compulsory, relevant regulation is specified in point 6.4.4.

Ro-La trains are identified as a potential segment in Annex 6.1-3, thus mark-ups shall not be charged for the use of basic services, for access part of supplementary services and complex supplementary services in respect of trains belonging to this segment.

In the framework of the charging system, VPE shall publish non-discriminatory charges and amounts to be paid for different Applicants that perform services of an equivalent nature in comparable part of the market.

Network access charges are published in HUF and do not include value added tax (ÁFA).

The notification in Paragraph 67/R Section 3 of the Railway Act also contains the value counted by the multiplication of the published network access charges, mark-ups and the in-kind performances relating to the available railway network capacity. In the notification neither the subtotal nor the total amount of charges contain decimals, they are calculated by applying the rounding rules.

Infrastructure Manager stipulates financial guarantee requirements to Railway Undertakings in order to protect its legitimate expectations regarding the future revenues and the use of the rail network. Relevant regulation can be found in Paragraph 36 of Annex 2.3.2.1.

### 6.1.1 Basic services

Activities related to the handling of applications for railway network capacity and running of trains may be linked within basic services to four components: ensuring of train path, the train kilometer-based part of running of trains, gross ton kilometer-based part of running of trains and use of overhead contact wire.

Amount to be paid for basic services provided by the two Infrastructure Managers can be seen in tables 6.3.1.1 and 6.3.1.2

#### *6.1.1.1 Ensuring of train path*

Amount to be paid for the use of service specified in point 5.2.1 shall be charged on the basis of actually performed train kilometres.

*Measure unit:* HUF/train km. Amount to be paid by individual Infrastructure Managers can be seen in Annex 6.3.1.1.

Amount to be paid for ensuring of train path shall be charged to the Railway Undertaking only if the train has really run.

#### *6.1.1.2 Running of trains*

##### *6.1.1.2.1 Running of trains - General Informations*

Amount to be paid for the use of the service specified in point 5.2.2 consists of a train kilometer-based part and a gross ton kilometer-based part, consequently it shall be charged on the basis of the actually performed train km and gross ton km. The basis of determination of the distance is the chargeable kilometre in every case.

Amount to be paid for the train kilometer-based part of the service "Running of trains" shall be charged in 3 line categories and for the following train categories:

- passenger trains (trains of train category A, B and C listed in Annex 4.3-2),
- freight trains (trains of train category D listed in Annex 4.3-2, except special freight trains) ,
- special freight trains (trains ranked into the single wagon load segment in Annex 6.1-3, as well as Záhony trains, regarding MÁV Zrt)
- loco trains (trains of train category E listed in Annex 4.3-2).

*Measure unit:* HUF/train kilometer. Amount to be paid as regards individual Infrastructure Managers can be seen in Tables 6.3.1.2-1 and 6.3.1.2-3.

Regarding the track network of GYSEV Zrt, amount to be paid for the gross ton kilometer-based part of the service "Running of trains" shall be charged irrespectively of the line/train categories.

Regarding the rail network of MÁV Zrt, amount to be paid for the gross ton kilometer-based part of the service "Running of trains" shall be announced irrespectively of the line categories in the following two train categories:

- Passenger trains, normal freight trains, loco trains (trains of categories A,B, C, D, E in Annex 4.3-2, except special freight trains)
- special freight trains (trains ranked into the single wagon load segment in Annex 6.1-3, as well as Záhony trains ).

Measure unit: HUF/gross ton kilometer. Amount to be paid as regards the individual Infrastructure Managers can be seen in Tables 6.3.1.2-2 and 6.3.1.2-4.

#### *6.1.1.2.2 Train running - further rules applied for special freight trains*

Having regard to the methodology of determination of state contribution, the category of special trains will be introduced in the 2016/2017 timetable year. Amount to be paid for the special train category "Running of trains" concerning the rail network of GYSEV Zrt shall apply to trains ranked into the single wagon load segment, and concerning the rail network of MÁV Zrt to trains ranked into the single wagon load segment and to Záhony trains.

Definition of single wagon load segment can be found in Annex 6.1-3.

Záhony freight train (D category) means every such freight train, which during the transportation covers the section between Kisvárdá [5514118] and Fényeslitke [5514134] and between Kisvárdá [5514118] or Fényeslite-Déli Rendező [5542127] service places and the total weight of the train amounts to 380 tons.

When placing the order both in case of single wagon load traffic and Záhony freight train, conditions shall be checked and if they are fulfilled, amount to be paid for special freight trains shall apply in the price quotation. The checking of the conditions taking place automatically during the capacity allocation, applicants have not got any marking liability. Amount to be paid for special freight train shall be taken into consideration in accounting if the train fulfils the conditions during its run, too.

If the freight train fulfils the conditions for single wagon load traffic when the order was placed, payable charges related to special freight trains could be taken into account in accounting if the train during the train running also fulfils the requirements of single wagon load traffic.

If the freight train fulfils the conditions for freight trains of Záhony when the order was placed, payable charges related to special freight trains could be taken into account in accounting if the train during the train running also fulfils the requirements of freight trains of Záhony.

If the freight train fulfils the conditions both for single wagon load traffic and freight trains of Záhony when the order was placed, payable charges related to special freight trains could be taken into account in accounting if the train during the train running fulfils the requirements of single wagon load traffic and freight trains of Záhony as well.

If the freight train fulfils the conditions both for single wagon load traffic and freight trains of Záhony when the order was placed, but the train during the train running does not fulfil the requirements of single wagon load traffic or freight trains of Záhony, payable charges related to special freight trains could not be taken into account in accounting.

#### *6.1.1.3 Use of catenary system*

Amount to be paid in the case of using the service specified in point 5.2.3. It shall be charged on the basis of electric train kilometer factually run by train on the electrified track section.

Measure unit: HUF/electrical train kilometer. Amounts to be paid in the case of individual Infrastructure Managers can be found in Table 6.3.1.3

#### *6.1.1.4 Use of train paths*

Train path relates exclusively to the length of time defined in the train path allocation which is necessary for a train-run between two points. Consequently, any changes occurred in the route and time data of the train path, in services ordered simultaneously with the train path and influencing the route or time data of the train path, as well as in basic data of train categories (Annex 4.3-2) which are part of train path allocation, require in accordance with legal provisions in force the cancellation of the path and a request for a new train path with modified parameters.

Should the train be late at departure, upon request of the Railway Undertaking the train can also start within a timeframe of 24 hours subject to the application on the basis of the originally allocated train path, and can run in the route as allocated in the train path if traffic conditions makes it possible.

Should the train during its run exceed time data of the originally allocated train path by more than 24 hours, or in case of an short term train path the stoppage time of a train at a station is more than 24 hours beyond the scheduled stoppage time, the train is not allowed to run using the allocated train path.

#### 6.1.2 Supplementary services referred to in 5.3.1

##### *6.1.2.1. Use of stations for passenger trains*

###### *6.1.2.1.1 Use of stations for stopping by passenger trains*

In the case of using services specified in point 5.3.1.1.1, Infrastructure Manager shall charge for passenger trains (A, B train categories) an amount to be paid that corresponds to the station category for passenger trains. As regards the use of stations by passenger trains for stopping, at most four station categories shall be distinguished. The amount to be paid for the use of stations by passenger trains for stopping shall be charged for each factual stopping at stations, inclusive of origin and destination stations. The fee for the use of stations by passenger trains for stopping can be charged only in train paths.

Measure unit: HUF/ **use of station**. Amounts to be paid in the case of individual Infrastructure Managers can be found in Table 6.3.2.1 and 6.3.2.2.

###### *6.1.2.1.2 Use of origin/destination stations by passenger trains*

In the case of using services specified in point 5.3.1.1.2.), Infrastructure Manager shall charge for passenger trains (A, B, C train categories) an amount to be paid that corresponds to the station category. As regards the use of origin/destination stations by passenger trains, at most four station categories shall be distinguished. This fee shall be charged for both the origin and the destination station of the train. The fee for the use of origin/destination stations by passenger trains can be charged only in train paths.

For trains reversing direction at a station in closed sets, no fee for the use of origin/destination station shall be charged. Definition of a train reversing direction in a closed set can be seen in Annex 1.11.

Measure unit: HUF/ **use of station**. Amounts to be paid in the case of individual Infrastructure Managers can be found in Table 6.3.2.1 and 6.3.2.2.

#### *6.1.2.2 Use of stations for freight trains*

In the case of using services specified in point 5.3.4, Infrastructure Manager shall charge for freight trains (D train category) an amount to be paid that corresponds to the category of the station. As regards the use of stations by freight trains three stations categories shall be distinguished. The fee for the use of the stations by freight trains can be charged only in train paths.

Measure unit: HUF/ **use of station**. Amounts to be paid in the case of individual Infrastructure Managers can be found in Table 6.3.2.1 and 6.3.2.2.

#### *6.1.2.3 Storage of vehicles*

Amount to be paid in the case of using the service specified in point 5.3.1.4.

Measure unit: HUF/vehicle/day. Amounts to be paid in the case of individual Infrastructure Managers can be found in Table 6.3.2.1 and 6.3.2.2.

Charge shall be paid for a storage beyond 24 hours; every commenced 24-hour period counts as a whole day. The first 24 hours are free of charge. The fee for the storage of vehicles shall be paid by the Railway Undertaking transporting the vehicle to this given storage place.

#### *6.1.2.4 Use of wagon weigh bridges (scales)*

Amount to be paid in the case of using the service specified in point 5.3.1.6.1.

Measure unit: HUF/vehicle. Amounts to be paid in the case of individual Infrastructure Managers can be found in Table 6.3.2.1 and 6.3.2.2.

#### *6.1.2.5 Use of refuelling facilities*

Amount to be paid in the case of using the service specified in point 5.3.1.9.

Measure unit: HUF/liter. Amounts to be paid in the case of individual Infrastructure Managers can be found in Table 6.3.2.1 and 6.3.2.2.

### 6.1.3 Supplementary services referred to in 5.3.2

#### *6.1.3.1 Ensuring shunting staff*

Amount to be paid in the case of using the service specified in point 5.3.2.1.1

Amount to be paid of the service "Ensuring of shunting staff" is published separately for passenger trains (A,B,C train categories) and for freight and loco trains (D,E train categories).

Regarding freight and loco trains, different amount is published for the rail network of MÁV Zrt if the service „Ensuring of shunting staff" will be ordered more than 8 days or within 8 days before the scheduled use of the service. During the application the number of days between the submission and the planned usage of the service should be checked. As a consequence the payable amount should be determined in the price quotation.

Measure unit: **HUF/person/hour**. Amounts to be paid in the case of individual Infrastructure Managers can be found in Table 6.3.2.1 and 6.3.2.2.

The pure (net) time of shunting must be accounted as time data for ensuring of shunting staff that is effectively used for carrying out the given shunting activity. If the service 'Ensuring of shunting staff' for any reason consists of more than one actions (stopping of shunting due to train movements or other reasons) the total time need of the individual actions shall be accounted even in the case when individual actions are carried out not in a succession but with breaks.

If during one shunting activity the splitting-up/formation of more than one train is carried out and shunting time used can not be directly connected to certain trains, time basis needed for ensuring of shunting staff must be distributed on the grounds of the number of wagons inserted to or detached from the individual train.

If a train forwards such vehicles which were/ will be previously/ later transported by using train paths allocated to different applicants and shunting time used can not be directly connected to certain trains, time need necessary for ensuring shunting staff shall be shared by applicants having the allocated service capacity in proportion of number of vehicles affected by shunting.

Definitions of the most important notions necessary to better understand the notion of pure (net) working time connected to the shunting activity can be found in Instructions as follows:

Notion	Where to find definition
Shunting	F.2. Instruction, points 1.2.106
Notice on permitting of shunting	F.2. Instruction, points 4.1.3. - 4.1.3.5
Stop and re-start shunting	F.2. Instruction, points 4.1.4. - 4.1.4.1.
Tasks of shunting master	F.2. Instruction, points 4.1.6. - 4.1.6.2.
Obligation of shunting staff	F.2. Instruction, points 4.1.7. - 4.1.7.3.
Coupling with screw link	F.2. Instruction, point 7.3.6.
Staff obliged to carry out coupling	F.2. Instruction, point 7.10.4.
Taking-over of train, person to loosen screw	F.7. Instruction, point 78.
Shunting activity with air brake	E.2. Instruction, sub-chapter 5.4.
Protection against breaking away of vehicles after completing shunting	F.2. Instruction, sub-chapter 5.

In case of service for ensuring shunting staff fact data should be charged in the account, but the quantity in the order should be handled as a minimum.

In terms of GYSEV Zrt, when ensuring shunting personnel in service locations other than listed in Annex 5.3.2.1, the effective time lasting from the departure of shunting personnel from the depot station to returning back of shunting personnel to the depot station shall be charged to Railway Undertakings. When confirming the requested service, GYSEV Zrt shall simultaneously give information about the length of the time to be expected.

#### 6.1.3.2 Staff available for shunting

Amount to be paid in the case of using the service specified in point 5.3.2.1.2

Measure unit: HUF/person/hour. Amounts to be paid in the case of individual Infrastructure Managers can be found in Table 6.3.2.1 and 6.3.2.2.

Charging for the service shall be based on the request irrespective of the actual use of the service. Minimum hours to be ordered is 4 hours.

### *6.1.3.3 Ensuring traction unit*

Amount to be paid in the case of using the service specified in point 5.3.2.1.3

Measure unit: HUF/vehicle/hour. Amounts to be paid in the case of individual Infrastructure Managers can be found in Table 6.3.3.1 and 6.3.3.2.

The clear (net) time of shunting must be accounted as time data for ensuring of traction unit that is effectively used for carrying out the given shunting activity. If the service 'Ensuring of traction unit' by any reason consists of more than one actions (stopping of shunting due to train movements or other reasons) the total time need of the individual actions shall be accounted even in the case when individual actions are carried out not in a succession but with breaks.

If during one shunting activity the splitting-up/formation of more than one train is carried out and shunting time used can not directly be connected to certain trains, time basis needed for ensuring of shunting locomotive must be distributed on the ground of the number of wagons inserted to or detached from the individual train.

If a train forwards such vehicles which were/will be previously/later transported by using train paths allocated to different applicants and shunting time used can not be directly connected to certain trains, time need necessary for ensuring shunting locomotive shall be shared by applicants having the allocated service capacity in proportion of number of vehicles affected by shunting.

Charge of the service "Ensuring of traction unit for shunting" is published separately for passenger trains (A,B,C train categories) and for freight and loco trains (D,E train categories).

### *6.1.3.4 Traction unit available for shunting*

Amount to be paid in the case of using the service specified in point 5.3.2.1.4

Measure unit: **HUF/vehicle/hour**. Amounts to be paid in the case of GYSEV Zrt. can be found in Table 6.3.3.2.

In case of GYSEV Zrt, charging for the service shall be based on the request irrespective of the actual use of the service. Minimum hours to be ordered is 4 hours.

### *6.1.3.5 Ensuring of fuel for traction*

Amount to be paid in the case of using the service specified in point 5.3.2.2.1

Measure unit: **HUF/liter**. Amounts to be paid in the case of individual Infrastructure Managers can be found in Table 6.3.3.1 and 6.3.3.2.

### *6.1.3.6 Ensuring of water used for water supply*

Amount to be paid in the case of using the service specified in point 5.3.2.2.2

Measure unit: **HUF/ m<sup>3</sup>**. Amounts to be paid in the case of individual Infrastructure Managers can be found in Table 6.3.3.2.

### *6.1.3.7 Train acceptance*

Amount to be paid in the case of using the service specified in point 5.3.2.2.3

Measure unit: **HUF/person/hour**. Amounts to be paid in the case of MÁV Zrt. can be found in Table 6.3.3.1.

#### 6.1.3.8 Train preparation

Amount to be paid in the case of using the service specified in point 5.3.2.2.4

Measure unit: **HUF/person/hour**. Amounts to be paid in the case of GYSEV Zrt. can be found in Table 6.3.3.2.

#### 6.1.3.9 Ensuring staff for weighing

Amount to be paid in the case of using the service specified in point 5.3.2.2.5

Measure unit: **HUF/vehicle**. Amounts to be paid in the case of individual Infrastructure Managers can be found in Table 6.3.3.1.

#### 6.1.3.10 Exchange of axles

Amount to be paid in the case of using the service specified in point 5.3.2.2.6

Measure unit: **HUF/vehicle**. Amounts to be paid in the case of MÁV Zrt. can be found in Table 6.3.3.1.

Charge for exchange of axles contains both the exchange of bogies from standard gauge to broad gauge and the exchange of bogies from standard gauge to broad gauge.

#### 6.1.3.11 Use of bogies

Amount to be paid in the case of using the service specified in point 5.3.2.2.7

Measure unit: **HUF/bogie**. Amounts to be paid in the case of MÁV Zrt. can be found in Table 6.3.3.1.

### 6.1.4 Additional services

#### 6.1.4.1 Ensuring of traction current

Amount to be paid in the case of using the service specified in point 5.4.1.

Measure unit: **HUF/kWh**. Amounts to be paid in the case of individual Infrastructure Managers can be found in Table 6.3.4.1 and 6.3.4.2.

The amount to be paid charge comprises the following charge items:

- charge for transmitted traction current
- charge for system-use
- charge for the network loss of transmitted traction current
- other operational charge
- charge for the energy tax
- charge for funds in accordance with Law LXXXVI of 2007 on electric energy (Vet.)

When using this service, amount to be paid for individual items shall be invoiced together.

#### 6.1.4.2 Ensuring of electric energy for other than traction purposes (preheating, precooling)

Amount to be paid in the case of using the service specified in point 5.4.2.1.

Measure unit: **HUF/kWh**. Amounts to be paid in the case of individual Infrastructure Managers can be found in Table 6.3.4.1 and 6.3.4.2.

The amount to be paid comprises the following charge elements.

- charge for transmitted electric energy used for other than traction purposes (preheating, precooling)
- charge for system-use
- charge for the network loss of transmitted electric energy used for other than traction purposes
- other operational charge
- charge for the energy tax
- charge for funds in accordance with Law LXXXVI of 2007 on electric energy (Vet.)

When using this service, amount to be paid for individual items shall be invoiced together.

#### *6.1.4.3 Ensuring of fuel for other than traction purposes (for preheating, precooling)*

Amount to be paid in the case of using the service specified in point 5.4.2.2.

Measure unit: HUF/liter. Amounts to be paid in the case of individual Infrastructure Managers can be found in Table 6.3.4.1.

#### 6.1.5 Ancillary services

##### *6.1.5.1 Technical inspection of railway vehicles*

Amount to be paid in the case of using the service specified in point 5.5.3.

Measure unit: HUF/train Amounts to be paid in the case of GYSEV Zrt. can be found in Table 6.3.5.1.

##### 6.1.5.2 Ticketing and reckoning activity

Amount to be paid in the case of using the service specified in point 5.5.1.

Measure unit: HUF/ticket. Amounts to be paid in the case of individual Infrastructure Managers can be found in Table 6.3.5.1. and 6.3.5.2.

## **6.2 Charging system**

Charging Methodology II (Annex 6.1-1) prepared in compliance with the Decree on Charging includes description of the charging system used for the rail network of MÁV Zrt and GYSEV Zrt. Charging Methodology provides inter alia the structure of the charging system, services to be supplied by the Infrastructure Managers, costs assigned to services supplied by Infrastructure Managers and calculation rules that can be implemented to the calculation of components of the charging system.

## **6.3 Amount to be paid**

For services where both a fee and a surcharge can be levied, both charging components are shown in the table. For services where surcharge cannot be levied, the fee and the amount to be paid are equal, in the table appears the heading „Amount to be paid”.

If the service is used, values to be seen in the column “Amount to be paid” shall be charged.

Rating of track sections and service locations into charge categories for certain services can be found in Annexes 6.3-1 and 6.3-2.

**6.3.1 Basic services****6.3.1.1 Ensuring of train path****Charging elements of Ensuring of train path**

Table 6.3.1.1.

<i>Ensuring of train path Unit: HUF/train km</i>	<b>Charge</b>	<b>Mark-up</b>	<b>Amount to be paid</b>
MÁV Zrt.	1	7	8
GYSEV Zrt.	1	11	12

**6.3.1.2 Running of trains****Charging elements of Running of trains- train km proportionate part on the network of MÁV Zrt**

Table 6.3.1.2-1.

<i>Running of trains- train km proportionate part Unit: HUF/train km</i>	<i>Line section category I</i>			<i>Line section category II</i>			<i>Line section category III</i>		
	<i>Charge</i>	<i>Mark-up</i>	<i>Amount to be paid</i>	<i>Charge</i>	<i>Mark-up</i>	<i>Amount to be paid</i>	<i>Charge</i>	<i>Mark-up</i>	<i>Amount to be paid</i>
Passenger trains	96	290	386	135	203	338	112	15	127
Standard freight trains	91	321	412	101	280	381	205	0	205
Special freight trains	91	280	371	101	242	343	185	0	185
Locomotive trains	158	218	376	172	200	372	221	147	368

**Charging elements of Running of trains- gross ton km proportionate part on the network of MÁV Zrt**

Table 6.3.1.2-2.

<i>Running of trains- gross ton km proportionate part Unit: HUF/gross ton km</i>	<b>Charge</b>	<b>Mark-up</b>	<b>Amount to be paid</b>
Passenger trains	0,24	0	0,24
Standard freight trains			
Special freight trains			
Locomotive trains	0,21	0	0,21

**Charging elements of Running of trains- train km proportionate part on the network of GYSEV Zrt**

Table 6.3.1.2-3.

Running of trains- train km proportionate part Unit: HUF/train km	Line section category I			Line section category II			Line section category III		
	Charge	Mark-up	Amount to be paid	Charge	Mark-up	Amount to be paid	Charge	Mark-up	Amount to be paid
Passenger trains	28	249	277	63	209	272	26	137	163
Standard freight trains	42	232	274	130	136	266	57	106	163
Special freight trains	42	162	204	130	66	196	57	36	93
Locomotive trains	26	272	298	172	100	272	25	138	163

**Charging elements of Running of trains- gross ton km proportionate part on the network of GYSEV Zrt**

Table 6.3.1.2-4.

Running of trains- gross ton km proportionate part Unit: HUF/gross ton km	Charge	Mark-up	Amount to be paid
Passenger trains	0,23	0	0,23
Freight trains			
Locomotive trains			

## 6.3.1.3 Use of catenary

**Charging elements of use of catenary**

Table 6.3.1.3.

Use of catenary a Unit: HUF/electric train km	Charge	Mark-up	Amount to be paid
MÁV Zrt.	21	37	58
GYSEV Zrt.	15	66	81

## 6.3.2 Supplementary services specified in point 5.3.1

## 6.3.2.1 Supplementary services provided on the network of MÁV Zrt.

**Charging elements of the complex and the access parts of the supplementary services on the network of MÁV Zrt.**

Table 6.3.2.1

1) Use of stations by passenger trains for stopping Unit: HUF/ use of stations	<b>Charge</b>	<b>Mark-up</b>	<b>Amount to be paid</b>
Station category I	1895	1374	3269
Station category II	1293	1447	2740
Station category III	1059	840	1899
Station category IV	1016	684	1700
2) Use of origin/destination stations by passenger trains Unit: HUF/ use of stations	<b>Charge</b>	<b>Mark-up</b>	<b>Amount to be paid</b>
Station category I	942	1328	2270
Station category II	997	813	1810
Station category III	905	0	905
Station category IV	905	0	905
3) Use of stations by freight trains Unit: HUF/ use of stations	<b>Charge</b>	<b>Mark-up</b>	<b>Amount to be paid</b>
Station category I	4503	0	4503
Station category II	2253	0	2253
Station category III	698	0	698
4) Storage of vehicles Unit: HUF/ vehicle/day	<b>Charge</b>	<b>Mark-up</b>	<b>Amount to be paid</b>
	44	79	123
5) Use of wagon weigh bridges (scales) Unit: HUF/ vehicle	<b>Charge</b>	<b>Mark-up</b>	<b>Amount to be paid</b>
	2436	0	2436
6) Use of refuelling facilities Unit: HUF/ litre	<b>Charge</b>	<b>Mark-up</b>	<b>Amount to be paid</b>
	24	0	24

6.3.2.2 *Supplementary services provided on the network of GYSEV Zrt.****Charging elements of the complex and the access parts of the supplementary services on the network of GYSEV Zrt.***

Table 6.3.2.2

1) Use of stations by passenger trains for stopping Unit: HUF/ use of stations	<b>Charge</b>	<b>Mark-up</b>	<b>Amount to be paid</b>
Station category I	730	1211	1941
Station category II	591	1154	1745
Station category III	1027	623	1650
Station category IV	439	1111	1550
2) Use of origin/destination stations by passenger trains Unit: HUF/ use of stations	<b>Charge</b>	<b>Mark-up</b>	<b>Amount to be paid</b>
Station category I	2279	121	2400
Station category II	2000	0	2000
Station category III	1600	0	1600
3) Use of stations by freight trains Unit: HUF/ use of stations	<b>Charge</b>	<b>Mark-up</b>	<b>Amount to be paid</b>
Station category I	4500	0	4500
Station category II	3375	0	3375
Station category III	2225	0	2225
4) Storage of vehicles Unit: HUF/ vehicle/day	<b>Charge</b>	<b>Mark-up</b>	<b>Amount to be paid</b>
	66	228	294
5) Use of wagon weigh bridges (scales) Unit: HUF/ vehicle	<b>Charge</b>	<b>Mark-up</b>	<b>Amount to be paid</b>
	2561	1286	3847
6) Use of refuelling facilities Unit: HUF/ litre	<b>Charge</b>	<b>Mark-up</b>	<b>Amount to be paid</b>
	19	4	23

### 6.3.3 Supplementary services specified in point 5.3.2

#### 6.3.3.1 Supplementary services provided on the network of MÁV Zrt.

**Charging elements of supply parts of the supplementary services on the network of MÁV Zrt.**

Table 6.3.3.1

<b>Supply parts of the supplementary services</b>	<b>Amount to be paid</b>
1) Ensuring of shunting staff for passenger trains <i>Unit: HUF/person/hour</i>	8659
2) Ensuring of shunting staff for freight and locomotive trains - ordered more than 8 days before the scheduled use of the service <i>Unit: HUF/person/hour</i>	4021
3) Ensuring of shunting staff for freight and locomotive trains - ordered within 8 days before the scheduled use of the service <i>Unit: HUF/person/hour</i>	5026
4) Ensuring of traction unit for passenger trains <i>Unit: HUF/vehicle/hour</i>	40615
5) Ensuring of traction unit for freight and locomotive trains <i>Unit: HUF/vehicle/hour</i>	23135
6) Ensuring of fuel for traction <i>Unit: HUF/litre</i>	282
7) Staff providing train acceptance <i>Unit: HUF/person/hour</i>	4090
8) Staff ensured for weighing <i>Unit: HUF/vehicle</i>	4090
9) Exchange of axles <i>Unit: HUF/vehicle</i>	53671
10) Use of bogies <i>Unit: HUF/hour/bogie</i>	42

6.3.3.2 *Supplementary services provided on the network of GYSEV Zrt.****Charging elements of supply parts of the supplementary services on the network of GYSEV Zrt.***

Table 6.3.3.2

	<b><i>Amount to be paid</i></b>
<b><i>Supply parts of the supplementary services</i></b>	
1) Ensuring of shunting staff for passenger trains <i>Unit: HUF/person/hour</i>	9430
2) Ensuring of shunting staff for freight and locomotive trains <i>Unit: HUF/person/hour</i>	4450
3) Availability of shunting staff for passenger trains <i>Unit: HUF/person/hour</i>	5481
4) Availability of shunting staff for freight and locomotive trains <i>Unit: HUF/person/hour</i>	3800
5) Ensuring of traction unit for passenger trains <i>Unit: HUF/vehicle/hour</i>	24988
6) Ensuring of traction unit for freight and locomotive trains <i>Unit: HUF/vehicle/hour</i>	22000
7) Availability of traction unit for passenger trains <i>Unit: HUF/vehicle/hour</i>	20157
8) Availability of traction unit for freight and locomotive trains <i>Unit: HUF/vehicle/hour</i>	16500
9) Ensuring of fuel for traction <i>Unit: Ft/litre</i>	404
10) Ensuring of water for water supply <i>Unit: HUF/m<sup>3</sup></i>	458
11) Train preparation <i>Unit: HUF/person/hour</i>	4471

## 6.3.4 Additional services

## 6.3.4.1 Additional services provided on the network of MÁV Zrt.

**Charging elements of additional services on the network of MÁV Zrt.**

Table 6.3.4.1.

<b>Additional services</b>	<b>Amount to be paid</b>
1) Ensuring of traction current <i>Unit: HUF/kWh</i>	
Transmitted traction current	18,3
System-use	3,6
Network loss of transmitted traction current	0,8
Energy tax	0,3
Funds under the Act on Electricity	2,4
Other operational charge	0,03
2) Ensuring of electric energy used for other than traction purposes (preheating, precooling) <i>Unit: HUF/kWh</i>	
Transmitted electric energy used for other than traction purposes	21
System-use	4
Network loss of transmitted electric energy used for other than traction purposes	0,2
Energy tax	0,3
Funds under the Act on Electricity	2,2
Other operational charge	0,03
3) Ensuring of fuel used for other than traction purposes (preheating, precooling) <i>Mértékegység: HUF/litre</i>	167

## 6.3.4.2 Additional services provided on the network of GYSEV Zrt.

**Charging elements of additional services on the network of GYSEV Zrt.**

Table 6.3.4.2

<b>Additional services</b>	<b>Amount to be paid</b>
1) Ensuring of traction current <i>Unit: HUF/kWh</i>	
Transmitted traction current	21,8
System-use	1,9
Network loss of transmitted traction current	4,8
Energy tax	0,4
Funds under the Act on Electricity	2,6
Other operational charge	-
2) Ensuring of electric energy used for other than traction purposes (preheating, precooling) <i>Unit: HUF/kWh</i>	
Transmitted electric energy used for other than traction purposes	19,3
System-use	1,7
Network loss of transmitted electric energy used for other than traction purposes	4,3
Energy tax	0,3
Funds under the Act on Electricity	2,3
Other operational charge	-

## 6.3.5 Ancillary services

## 6.3.5.1 Ancillary services provided on the network of MÁV Zrt.

**Charging elements of ancillary services on the network of MÁV Zrt.**

Table 6.3.5.1

<b>Ancillary services</b>	<b>Amount to be paid</b>
1) Ticketing and reckoning activity <i>Unit: HUF/ticket</i>	83

### 6.3.5.2 Ancillary services provided on the network of GYSEV Zrt.

#### *Charging elements of ancillary services on the network of GYSEV Zrt.*

Table 6.3.5.2

<i>Ancillary services</i>	<b>Amount to be paid</b>
1) Technical inspection of railway vehicles <i>Unit: HUF/train</i>	6741
2) Ticketing and reckoning activity <i>Unit: HUF/ticket</i>	26

## 6.4 Financial penalties and incentives

### 6.4.1 Reservation fee

Under Paragraph 8 (2) of Decree 57/2015. (IX.30.) NFM, reservation fee shall be specified in the Performance Regime.

### 6.4.2 Cancellation fee

Under Paragraph 8 (3) of Decree 57/2015 (IX.30.) NFM, in the current timetable period cancellation fee in connection with the service „Ensuring of shunting staff” shall be specified in the Performance Regime.

### 6.4.3 Items decreasing amounts to be paid in respect of Framework Agreements

In respect of Framework Agreements no items decreasing the amount to be paid has been determined in the Network Statement.

### 6.4.4 ERTMS discounts (ETCS fee)

ETCS fee can only be charged if track sections equipped with ETCS are used. Basis of charging shall be train kilometer run by the train on the track section equipped with ETCS. Measure unit: HUF/train km.

ETCS fee can work as a bonus item that decreases the amount to be paid, or a malus item increasing the amount to be paid.

ETCS Bonus fee shall be granted to every train that is hauled by a traction unit which were equipped with the ETCS device later, after the first putting into operation of the traction unit, and runs on a track section equipped with ETCS.

ETCS malus fee shall be paid by every train that is hauled by a traction unit not equipped with ETCS device and runs on a section equipped with ETCS.

Neither ETCS bonus nor malus shall apply to such trains that are hauled by a traction unit which was equipped with ETCS device in the manufacture.

Infrastructure Manager shall check the traction unit for the existence of an ETCS equipment on the grounds of the track number of the traction unit entered into the train load statement.

Value of ETCS bonus fee on the track network of MÁV Zrt : 13 HUF/train km

Value of ETCS malus fee on the track network of MÁV Zrt.: 2 HUF/train km

Value of ETCS bonus fee on the track network of GYSEV Zrt: 13 HUF/train km

Value of ETCS malus fee on the track network of GYSEV Zrt: 1 Ft/train km

ETCS fees shall not affect the amount to be paid for the train kilometer-based part of running of trains, they shall be charged additionally.

Bonus and malus amounts arising from ETCS fees shall be in equilibrium, therefore Infrastructure Manager is obliged to examine the balance of bonus-malus amounts. Should the difference between bonus and malus amounts exceed 100.000 HUF, Infrastructure Manager shall settle the difference with the Railway Undertaking in question subsequently, after the timetable period until closing its business year.

Some three years may go by between the basis period - i.e. the last closed business year which is the basis of justified costs that can be taken into account in charging - and the year of charge. Consequently, in the period between the basis period and the year of charge (partly based on facts, partly predictable) price-level changes and other considerable changes that influence the amount of charges shall be taken into account.

Under point 4.5 of the Charging Methodology II, determination of values to be expected in the year of charge shall be carried out on the basis of values involved in the business plan of the Infrastructure Manager. GYSEV Zrt requested that plan figures defined in its business plan for 2017 should be the basis of the fee calculation. Business plan of GYSEV for 2017 can be found in Annex 2.

List of examined segments is included in Annex 6.1.3 of the Network Statement. In compliance with paragraph 67/E (5) of the Railway Act, this segment list is valid for 5 years.

Trains of the single wagon load segment received priority support from state contribution determined for the 2016/2017 timetable year. State contribution that has been assigned to the train kilometer-based part of the service "Running of trains" used by these special freight trains is higher than that of any other freight trains, thus lower fees and surcharges have been determined. Values of imposed charges and surcharges shall be described with the relevant service.

ETCS fee shall be determined apart from the other charging elements. Considering that the aim of the ETCS fee is that traction units should be equipped with ETCS devices, so determination of the fee has not been carried out on cost-base. For the determination of ETCS fee, VPE has sent a questionnaire to the Railway Undertakings, and also, under paragraph 15 of the Decree on charging, with the cooperation of Infrastructure Managers, VPE has harmonised ETCS fee with RUs within a personal consultation. Taking account of the answers to the questionnaire and remarks in the personal consultation, the following ETCS fees shall be introduced for the 2016/2017 timetable year:

ETCS bonus fee: 13 HUF/train km

ETCS malus fee: 1 Ft/train km

Rules of use of ETCS fees can be found in Chapter 6.4.4 of the Network Statement.

## 6.5 Performance regime

Introduction of the Performance Regime is regulated by of Decree of the Minister of National Development 57/2015 (IX.30) NFM on detailed rules of open access to railway network.

In order to minimize network disturbances and to improve the performance of the railway network, VPE has established a Performance Regime that applies the same principle for the entire railway network.

Elements of the Performance Regime that apply to both the infrastructure managers and the Applicants are penalties on actions which disrupt the operation of the network and bonuses that reward better than planned performance. Penalty unambiguously concerns network disturbances caused by the infrastructure manager or by any of the Railway Undertakings.

Performance Regime comprises proportionate elements as for the infrastructure manager and the Railway Undertaking.

VPE determines the extent of the elements of the Performance Regime and also the condition of the usage of the incentive elements in such a way that bonuses coming from the operation of the Performance Regime should be proportionate to the expenditures of the operation, and the administrative costs of identification of network disturbances should not exceed penalties for causing network disruption.

Bonuses and penalties defined in accordance with the Performance Regime may be accounted also within the framework of the network access charge accounting, however, they must not be involved in the adjustment of damages caused by network disturbances.

In every year, for every timetable year, with the involvement of the infrastructure manager, the Applicants and the rail regulatory body, VPE evaluates the experiences of the applied Performance Regime, particularly its effect on minimizing network disruptions.

Performance Regime covers:

- incentive scheme to facilitate punctual train run,
  - supporting environmentally sound means of transport,
- other incentive schemes related to the running of trains,

The Performance Regime can be found as the Annex no. 6.5 of the Network Statement.

## 6.6 Charging system and changes to be expected in charges

Charging element of this Network Statement applies to the 2016/2017 timetable year. Considering that the determination of the elements of the charging system happens annually previous to the announcement of the Network Statement on the basis of cost and performance plan data delivered by the Infrastructure Managers, elements of the charging system may change between the certain timetable periods.

Under Paragraph 16 (1) of the charging decree, it is compulsory to carry out modification of the elements of the charging system, if the amount of state contribution received by Infrastructure Managers or the extent of the open access rail network operated by the Infrastructure Manager changes considerably in comparison to the values that were taken into account when determining the elements of the charging system.

Under Paragraph 16 (3) of the charging decree, modifications increasing the value of amounts to be paid shall become effective only 3 months after the publication of the Network Statement comprising the relevant modifications.

Detailed rules of the revision of charges can be found in the Charging Methodology.

### 6.7 Invoicing arrangement

Basis of accounting is the capacity allocated in accordance with provisions of Para 67/R (3) points a) and b) of the Railway Act.

In compliance with the network access contract infrastructure managers shall make out a balance account based on train paths effectively used in the given month, performances (in case of service for ensuring shunting staff fact data should be charged in the account based on chapter 6.1.3.1, but the quantity in the order should be handled as a minimum) as well as invoices already been issued for the given month.

Counter value of the use of railway network not contained by the annual working timetable shall be invoiced to the Railway Undertaking by the infrastructure manager on the basis of train paths effectively used and performances (in case of service for ensuring shunting staff fact data should be charged in the account based on chapter 6.1.3.1, but the quantity in the order should be handled as a minimum) in the month concerned.

Parties may otherwise agree in the Network Access Contract on the date of invoicing.

On behalf of GYSEV Zrt. as a non-independent rail infrastructure manager the issue of invoices is made by VPE.

By acknowledging the invoice, Railway Undertaking assumes the obligation to pay the network access fee charged for access to the railway network. Deadline for payment shall be set out in the Network Access Contract on condition that the deadline for payment may not be set for a period longer than 30 days. In the event of late payment, a default interest defined by the Civil Law shall apply.

In the invoice issued for the use of the railway network, charges for basic, supplementary, additional and ancillary services as well as discounts and mark-ups applied must be separated.

Invoices shall be comparable with the offer of VPE given on the basis of requests of the applicants.