

Modification**Annexes****6.5. PERFORMANCE REGIME****IV. Elements of the Performance Regime****IV.1 Incentive scheme to facilitate punctual train run**

This subchapter was modified as follows:

~~One of the~~ The main elements of the Performance Regime is ~~the main~~ one of the most important quality indicators, namely the punctuality of trains defined in relation to the timetable of the allocated train path. ~~Benefit to be expected from a higher punctuality of trains is the enhanced capacity, raises the planning ability due to a higher degree of planning ability, which enable~~ Benefit to be expected from a higher punctuality of trains is the enhanced capacity, raises the planning ability due to a higher degree of planning ability, which enable.

~~Expectable effect of the enhanced capacity and the better~~ more efficient use of the existing sources, in general are the fall ~~reduction~~ reduction of operational costs and the increase ~~improvement~~ improvement of the general quality of services provided on the railway.

Deletion - Paragraph 5

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

Addition

Secondary delay: When another train in delay causes delay to the particular running train irrespectively of the owner of the train path and the original reasons of another train's delay. This type of delay is a consequence of constraint induced by another train.

Deletion - Paragraph 6

~~In this case the delay was caused by another delayed train either by a consequence of primary delay or independently from that. In addition, this delay arose in the railway undertakings' own interest and affects their own train. This type of a delay is the consequence of a forcing event (E.g.: in a single track line it is not allowed to start a train from a station in the opposite direction until the train in delay arrives at this station; because of train connections published, passengers of the train in delay have to be awaited, or vehicles must be detached and inserted to this train etc.). Another train in delay can cause delays to the running train in question regardless the owner of the train path and regardless the original reasons for the delay. These types of delays are called secondary delays.~~

Clarification in Calculation methodology

After subtracting the value for tolerances of the product group from the value of total delays, also the secondary delays and delays coded as ~~Act of God (vis maior)~~ force majeure shall be deducted from the remaining delay minutes to be accounted.

Deletion - Paragraph 15

Penalty to be paid for the delay is set on a minute-based accounting in a value of 20 HUF/minute. ~~Maximum penalty which may be imposed in a month must not exceed 1% of network access charges (excluding traction energy) to be paid by a certain railway undertaking in the given month after the requested and run trains. The 1% limit applies in the relationship of the railway undertaking and the Infrastructure Manager in question. Based on the same principle as it is for the railway undertaking, penalty may be imposed on the Infrastructure Manager in an amount of at most 1% of the network access charges to be paid by the railway undertaking after the ordered as well as ran trains in a certain month. No payment obligation or penalty is imposed in case of delays of corridor trains (freight trains running along international rail freight corridors).~~

IV.1.1 Accounting method of the incentive scheme

This subchapter was modified as follows:

- 1.
- ~~2. Infrastructure Manager shall sum up the monthly balances of railway undertakings.~~
- 3.2. Infrastructure Manager shall prepare the invoice-attachments in order to account acknowledged compensations and penalties arisen from the Performance Regime.

IV.1.2 Hypothesis relating to the incentive ~~scheme and its expected effect~~

This subchapter was modified as follows:

~~Benefit to be expected from a higher punctuality of trains is the enhanced capacity due to a higher degree of planning ability.~~

~~Expectable effect of the enhanced capacity and the better use of the existing sources in general are the fall of operational costs and the increase of the general quality of services provided on the railway.~~

~~Examination of the average delay at a destination station shall be carried out during the analysis of punctuality in different product groups.~~

~~In case of passenger transport in the passenger transport product group the expected, a desirable result of a better punctuality is, that the average delay of trains with not instant train paths should not exceed 6 minutes will be if at the destination station in the timetable period concerned an average delay of trains of train paths allocated other than instant train paths in the affected timetable period, does not exceed 20 minutes.~~

~~In the freight transport product group the expected result of better punctuality is, that the average delay of trains with not instant train paths should not exceed 3 hours 35 minutes at the destination station in the timetable period concerned.~~

~~Target in the freight transport product group is that -- as a result of the incentive scheme -- the average delay of trains of train paths -- allocated other than instant train paths -- should be at destination stations less than 60 minutes taking the average of all delays in the entire timetable period into account.~~

The average delay of ~~trains of~~ train paths in the ~~given~~certain product groups/~~train categories~~ at destination stations is determined ~~as follows~~according to the following formula:

$$\frac{\text{The average delay of trains with not instant train paths in the certain product groups at destination stations during the timetable period concerned}}{=} \frac{\text{The sum of delays of trains with not instant train paths in the certain product groups at destination stations during the timetable period concerned}}{\text{The number of late trains with not instant train paths in the certain product groups during the timetable period concerned}}$$

- ~~1. Determination of the number of trains run during a certain timetable period within the product group/train category under examination.~~
- ~~2. Total delay of trains measured at destination stations on train paths belonging to the examined product group/train category in the examined period (timetable period).~~
- ~~3. Average delay of trains measured at destination stations on train paths belonging to the examined product group/train category is the quotient of total delays of trains at destination stations and the number of trains run during the examined timetable period.~~

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

Clarification

Regarding punctuality of trains compared to the timetable of the allocated train path, Infrastructure Managers are obliged to record with codes the reasons and the causers of the positive divergences from the timetable. Infrastructure manager is also bound to ensure dispute right for railway undertakings regarding their own recorded data, and to ensure access right exclusively for VPE to fact data and coding of any train event, ~~exclusive of~~except the events coded to timetable failures.

Deletion - Paragraph 3

~~Infrastructure Manager shall deliver data to VPE in order to determine in the calculation methodology one percent of the network access charge (excepting traction current) to be paid for train run ordered in a certain month by the Railway Undertaking.~~

IV.2. Incentive schemes supporting environmentally friendly transportation

This subchapter was modified as follows:

Addition

The White Paper 2011-2020 on Transport of the European Union aimed to reduce the emission of pollutant materials produced by transport, to optimize the performance of the multimodal supply chains and to use more energy-efficient modals of transport in a larger proportion. The incentives below support to reach these endeavours.

IV.2.1 Incentive schemes for transporting freight on railway

This subchapter was restructured and modified as follows:

If the majority of freight traffic was ~~implemented~~ delivered on rails instead of roads, it would reduce traffic jams as well as the direct and indirect environmental polluting effects of road transportation to a significant extent. ~~The increasing number of trucks contributes to the deterioration of roads, whose maintenance and repair cost huge amount of money so this damage also justifies the necessity of the switch-over from road to railway transportation.~~

IV.2.1.1 Scope of the incentive schemes

- I) ~~f~~Freight transportation (which is switched over from road to railway) takes place for a distance of at least 300 kilometres,
- II) ~~f~~Freight transportation (which is switched over from road to railway) takes place between certain/primary borders,
- III) ~~f~~Freight transportation takes place between ~~certain~~/primary service places.

IV.2.1.2 The aim of the incentive schemes

The aim of the incentive schemes of rail freight transport is to increase the competitiveness of rail transportation compared to other modes of transportation, promoting in this way the cost efficiency of maintaining the railway network, the switch-over from road to railway and relieving roads from heavy traffic.

~~IV.2.1.3 Degree of the financial compensation~~

Because of this deletion the chapter numbering changed

~~The Railway Undertaking is released from paying a certain percentage of the total cost to be paid for the basic services when using the allocated train path.~~

IV.2.1.4~~3~~ Conditions of providing the financial compensation

- I) ~~Transporting f~~Transporting Freight ~~transportation~~ switched over from road to railway for a distance of at least 300 km~~;~~
 - the act of the switch-over from road to railway can be unambiguously and demonstrably certified by the applicant and freight transportation takes place for a distance of at least 300 km.

II) ~~Transporting freight transportation~~ switched over from road to railway taking place between primary borders:

the act of the switch-over from road to railway can be unambiguously and demonstrably certified by the applicant.

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

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

Regarding ~~freight switched over from road to rail for a distance of at least 300 km and freight transportation switched over from road to railway taking place between primary borders, incentives I) and II)~~ freight transportation can be considered as 'switched over from road to railway' if the representative(s) of the applicant who is/are authorised to sign, make(s) a written legal declaration to the Infrastructure Manager stating that the freight was transported on road to its destination place in the previous timetable period.

To make decision on the compensation originating from the incentive scheme is in the Infrastructure Manager's scope of authority. On the allocated train path, the quantity of goods transported shall add up to the total quantity of the freight transported by the switch-over from road to railway. The order is considered to come under the scope of the incentive ~~schemes~~ if the applicant submits the order with the identification number of the certificate issued previously by the Infrastructure Manager and indicates that the train path comes under the scope of the incentive scheme.

Train paths ordered and run as RoL ~~Aa~~ trains undoubtedly come under the scope of ~~incentives -the I) respectively II)-incentive scheme.~~

III) ~~Transporting freight transportation~~ taking place between primary service places:

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the train runs ~~between service places belonging to the scope of the incentive scheme~~ for a distance of at least 50 km and with maximum 700 gross ton train load (fulfilling both previously mentioned conditions at the same time) between service places belonging to the scope of the incentive scheme as follows:

~~The order is considered to come under the scope of the incentive scheme if the applicant indicates that the train path comes under the scope of the incentive scheme.~~

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

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

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

IV.2.1.54 Degree of the incentive scheme

~~In case of incentive elements defined in point IV.2.1.1 regarding freight switched over from road to rail for a distance of at least 300 km and freight transportation switched over from road to railway taking place between primary borders, the degree of compensation is accounted in proportion to time. Its aim is that the provided higher degree of financial compensation at the beginning shall not be ceased without a transition, in the absence of which the intension aiming to keep the freight – once switched over from road to railway – on rail would fail. The degree of financial compensation can be found in Table 3. Financial compensations relating to the following years will be determined by the Performance Regime relating to those particular years.~~

Table 3

~~Degree of exemption from the charge of basic services~~

Compensation period	Degree of exemption from payment (in % of the basic service charge)
Timetable period of 2016/2017	80

~~I) Freight transportation switched over from road to railway for a distance of at least 300 km~~

~~- Degree of exemption from payment (in % of the basic service charge): 80%~~

~~II) Freight transportation switched over from road to railway taking place between primary borders~~

~~- Degree of exemption from payment (in % of the basic service charge): 80%~~

~~The degree of compensation in case of incentives I) and II) is being derogated time proportionally, the is accounted in proportion to time. Its aim is that the provided higher degree of financial compensation provided in the first time period at the beginning shall not be ceased without a transition, which can harm keeping traffic in the absence of which the intension aiming to keep the freight – once switched- over from road to railway – on rail would fail.~~

~~III) Freight transportation taking place between primary service places
In case of incentive element defined in point IV.2.1.1 regarding freight transportation between primary service places,~~

~~- the degree of financial compensation is determined depending on the trainload:~~

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

	<u>in % of the basic service charge</u>
<u>up to 500 gross ton trainload</u>	<u>70%</u>
<u>between 501-700 gross ton trainload</u>	<u>30%</u>

IV.2.1.76 Hypothesis ~~and expected effect~~ of the incentive ~~schemes~~ facilitating freight transportation

This subchapter was modified as follows:

The expectation is that the traffic volume within the scope of incentives facilitating freight transportation should increase compared to the previous period.

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

~~In case of freight transportation between primary service places – due to this incentive scheme –, the volume of freight transportation that is demonstrably switched over from road to railway is expected to increase compared to the same period of the timetable period of 2016/2017.~~

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

IV.2.2.2 The aim of the incentive scheme

Deletion - Paragraph 1

The aim of the incentive scheme is to promote rail freight transportation by keeping the freight on rail instead of road transportation in case of train paths coming under the scope of the Performance Regime. ~~and it also takes into consideration the targets set out in the White Paper 2011-2020 on Transport of the European Union aiming to reduce the emission of toxic materials produced by transport and optimize the performance of the multimodal supply chains including the use of more energy-efficient means of transport in a bigger proportion.~~

Clarifications

IV.2.2.5 Hypothesis ~~and expected effect~~ of incentive scheme promoting single wagon load

IV.3.1 Incentive scheme related to the efficient use of primary stations

The main, technology-related task of primary stations is to pull wagons of departing/arriving trains in/out of train reception or train dispatch sidings. Station capacity can be used in a more efficient way if trains are not needed to be split up. In case of trains that do not need to be split up, some technological processes will be unnecessary, which result in enhanced capacity and more cost-efficient human resource management.

IV.3.1.1 Scope of the incentive scheme

The scope of incentive scheme involves those train paths that run trains which are not needed to be split up and it is indicated in the allocation required by the applicant and also affects one this three primary service places:

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

IV.3.1.6 Hypothesis ~~and expected effect~~ of the efficient use of capacity at primary stations

This subchapter was modified as follows:

The fact whether a train run without splitting-up can be also influenced by factors outside the framework of Performance Regime, which can be differentiated by the character of primary stations as well. Therefore the hypothesis is not determined as a specific value, but connected to total average regarding all primary stations.

Total average: sum of number of train paths in A, B, C categories, run with splitting-up on all primary stations divided by sum of number of all train paths in A, B, C categories on all primary stations in the timetable period concerned.

~~The expectation is that the average of every primary station (sum of number of train paths in A, B, C categories, run with splitting-up on a particular primary station divided by the sum of number of all train paths in A, B, C categories in the same primary station) should be remain in +/- 10 percentage range of the total average in the timetable period concerned.~~

~~The number of train paths allocated without the splitting-up of wagons shall be 10% correlated to the number of train paths in category A, B or C affecting primary stations. This volume is calculated the following way:
(\sum (number of train paths allocated with splitting-up of wagons at primary stations / \sum number of train paths affecting a primary station)) * 100~~

IV.3.2 Other incentive element to promote better use of infrastructure in rail transportation

Clarification

The regularly unused train paths are considered as ~~thea certain rateio~~ of ~~allthe~~ ordered, ~~submitted, but -and- before the planned running date~~ cancelled ~~_~~train paths.

IV.3.2.2 Degree of incentive scheme

Deletion - Paragraph 2

~~The number of ordered and cancelled train paths is determined taking into consideration those train paths, which have planned running days for the analyzed month. If the ordered and cancelled train path affects both infrastructure managers, the number of train path would be taking into account in both infrastructure managers' case.~~

~~The amount of the fee is included in Table 4.~~

Table 4

Reservation fee for cancelled path depending on the number of items

Number of cancelled train-path compared to the number of ordered train-path in percentage	Payment obligation (in % of the basic service charge)
to 60 %	0
60- to 70 %	1
70- to 80 %	2
80- to 90 %	3
above 90 %	4

Modification

The reservation fee is 500 HUF/train path which has running day, but cancelled, if the ratio reaches 60% within the sum of all train paths ordered for the particular month.

IV.3.2.3 Methodology for accounting the incentive scheme**This subchapter was modified as follows:**

~~The railway undertaking is obliged to pay reservation fee in case of allocated, but cancelled train path before the scheduled time.~~

As long as the request for rail capacity is submitted by an non-RU applicant but the train path is not used, the payment obligation is imputable and compensation can be determined if they are included in the framework contract concluded between the railway undertaking and the Infrastructure Manager as it is indicated in Paragraph 54/ (4) of the Railway Act. Reservation fee is invoiced by the Infrastructure Manager on a monthly basis as an invoice attachment ~~in accordance with a percental distribution set out in the system.~~

If the ordered and cancelled train path affects both infrastructure managers, the number of train path would be taking into account in both infrastructure managers' case.

~~The fee is a determined percentage of train paths having planned running day and cancelled train paths' basic service charges in the analyzed month.~~

~~Infrastructure Managers account the reservation percentage after the cancelled train paths mentioned in table 4 on the basis of their path sections involved. The calculation is made according to the above mentioned rules.~~

In case of dissolution with legal successor, or companies merge, or if the applicant transforms in such another way where the right of ownership - connected to the train path and service requests handled by the applicant formerly - is designated unambiguously for an other legal entity, the applicant does not have to pay the reservation fee even if - because of its IT facilities - the applicant has to cancel its train paths and service requests ordered earlier and has to withdraw the submitted demands, so that the successor can submit them again.

Addition

In case of any dispute, the Hungarian version shall prevail.

PR Appendix 2 was modified as follows:

Data-element	Format	Notes
VPE individual (train path, <u>service</u>) identifier	year-month-day/year/register/version	In the case of a train path date refers to the service place from where the train path originates.
Place of events recorded into journal	<u>xyyyyyy</u>	2+5 characters, statistical number in accordance with TAF
Date and time of the recorded event	year-month-day <u>hours:minutes:seconds</u>	
Type of the recorded data	code number	Type of the recorded data may be e.g.: time data (arrival, departure) but also the mass of the train if it changes
Parameter of the recorded data	see table below	First, one parameter is enough (this can cover also services)
Reason for divergence/delays (main code, <u>auxiliary code</u>)	code number	To this end, determination of a code table is required, but not only delay codes must be coded here <u>Based on UIC codes</u> The reason for divergence in actual data of services are also sent here, if any.

Events to be recorded into <u>journal log</u>	Format of the parameter	Notes
Arrival	year-month-day <u>hours:minutes:seconds</u>	
Departure	year-month-day <u>hours:minutes:seconds</u>	
<u>Crossing</u>	<u>year-month-day</u> <u>hours:minutes:seconds</u>	
Change of train length	in meter	to be delivered only if it has changed anywhere
Change in the train mass	in ton	to be delivered only if it has changed anywhere
Changes in the number of cars	pieces	to be delivered only if it has changed anywhere
Change of the type of the traction vehicle	serial mark	This is required only to see whether the vehicle is electrical vehicle (to be delivered if it has changed anywhere)
<u>Actual starting time of service</u>	<u>year-month-day</u> <u>hours:minutes:seconds</u>	

<u>Actual ending time of service</u>	<u>year-month-day</u> <u>hours:minutes:seconds</u>	
<u>Actual quantity</u>	number	
<u>Actual data - ending without splitting-up (reversing direction in closed set) - origin and destination stations</u>	yes/no	
<u>Type of closing event</u>	code	By train path
<u>Actual gross ton</u>	number	

PR Appendix 3 was modified as follows:**Deletion**

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

Modification

b) **secondary delay**: ~~when another train in delay causes delay to the particular running train irrespectively of the owner of the train path and the original reasons of another train's delay. This type of delay is a consequence of constraint induced by another train.~~

Deletion

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

PR Appendix 4 was renewed as follows:

**European Performance Regime
- brief summary -**

The European Performance Regime (EPR) measures the performance of international trains based on punctuality, and its incentive system is founded on bonus-malus financial flows according to the balance of delay minutes. Its main aim is to improve the quality of the European railway transportation as a complement of the existing national performance regimes.

It is a joint project of UIC (International Union of Railways) and RNE (RailNetEurope). The present stage reflects the results of 10-year-long efforts, endeavours to find consensus and testing. EPR Handbook 2013 ('Handbook for the European Performance Regime Guidelines for actual and potential users') has already analysed the adequacy with Directive 2012/34/EU (Recast) as well.

Members of the European Union are not obliged to apply this system, however, based on Recast the principles of national and European performance regimes are identical.

Legal pre-conditions of application are:

- The Infrastructure Manager provides it as an offer for every Railway Undertaking concerned (international train paths), who are not obliged to apply it.
- Network Statement is completed with the EPR principles.
- Two types of contract are needed: RNE-IM and IM-RU.

Main features of EPR:

- Based on delays
- Secondary delays including to motivate the decrease of suffered delays
- Financial penalty for bad performance
- Penalty limit
- Applicable on the whole railway network

More information:

<http://www.rne.eu/epr>

<http://www.rne.eu/european-performance-regime-epr>

http://www.rne.eu/tl_files/RNE_Upload/Downloads/EPR/EPR%20Handbook%20%202013.pdf