

APPENDIX

Modification list - PR 2016-2017 Modification 5

6.5. PERFORMANCE REGIME

IV.1 Incentive scheme to facilitate punctual train run

d. Accounting points

This subchapter was modified as follows:

Only measuring points can serve as accounting points.

Regarding Performance Regime, three different types of accounting points shall be distinguished as follows:

- end (destination) point accounting points
- last measuring point of a certain infrastructure manager,
- other intermediate (~~station~~) accounting points

Intermediate accounting point (~~for the individual product groups different accounting points~~ may be appointed on the basis of **an** the **individual** agreement between the infrastructure managers and the railway undertakings. ~~From accounting point of view, other accounting points shall be considered the same way as end points are).~~

IV.2.1.5 Methodology for accounting the exemption from payment

This subchapter was modified as follows:

Infrastructure Managers check if the conditions are fulfilled or not. In case of incentives I), II), III) the accounting of financial compensation may be carried out if the applicant indicates that the request comes under the scope of the incentive scheme- except for RoLa trains which ordered and run as RoLa trains, **where indication of being under the scope of the incentive scheme is not needed.**

V.2 Domestic network border

This subchapter was modified as follows:

~~Handling of connections from a nation-wide open access networks to other open access networks or to non-open access networks from the Performance Regime's point of view is as follows:~~

If a train comes from a non-open access network to a nationwide open access network with a delay, it is declared as secondary delay, and **it is not under the scope of Performance Regime.** ~~railway undertakings shall be liable for delays suffered on the non-open access network.~~

If a train leaves a nationwide open access network for another open access network or for a non-open-access network, the accounting point must be the last station of the nation wide open access network. Performance Regime ~~in this case~~ does not handle further delays. ~~suffered by the train on other open access or the non-open-access networks.~~

VI.3 Other incentive scheme related to train run

This subchapter was modified as follows:

Information on reservation fee's account is available partly at VPE and partly at Infrastructure Managers' side. In order to perform impact assessment for the Performance Regime, Infrastructure Manager is obliged to deliver data to VPE concerning information on reservation fee ~~on a monthly basis.~~

VII.1 Settlement of a complaint: between the Infrastructure Manager and the applicants

This subchapter was completed as follows:

- 1) Infrastructure manager is obliged to hand over information and ensure access for railway undertakings to any kind of information (basis of calculations, breaking down of the amount to be paid per train path ~~and services~~) deriving from the application of the incentive elements of the Performance Regime as regards train paths ~~and services~~ required by authorised applicants.
- 2) Infrastructure manager and applicant are obliged to agree in the network access contract **or in a contract equivalent to the network access contract** on possibilities to be used during the settlement of complains by parties concerned (possibility of an inside view of dossiers, making remarks, debating, corrections, etc.), what obligatory procedural times can be applied for certain phases of actions, feed-backs and commenting, and also time limit must be defined beyond which parties lose the right to complain if any procedural term are qualified as a term of preclusion.

VIII.2 ~~Publishing~~ **Procedure in connection with the draft** of the Performance Regime

This subchapter was modified as follows:

After an evaluation carried out by VPE with the involvement of the Infrastructure Managers, applicants and the Rail Regulatory Body, VPE shall in every year prepare the draft of the Performance Regime.

~~Giving opinion on, finalization and publication of the draft of the Performance Regime.~~

X. ~~Provisional~~ Other measures