

APPENDIX

Modification list - PR 2020-2021 Modification 4

Based on Budapest-Capital Regional Court judgement
103.K.701.055_2020_25.
(Annex 6) amended

1.) III. Principles of the Performance Regime

The list of elements was modified as follows:

Provisions of the Performance Regime shall equally and non-discriminatory apply both to the RUs and infrastructure managers. General requirement of the Performance Regime is simplicity, transparency, liability, cost-efficiency, usage of measurable data, as well as it must not impose exaggerated legal and/or administrative burden either on RUs or on infrastructure managers.

VPE shall regularly evaluate experience gained from the Performance Regime relating to the given timetable period or after the given timetable period at the latest. VPE shall also compare the results with the measurable objectives given in figures and shall draw conclusions of them so as to initiate changes in the schemes of the Performance Regime of the next period, if necessary.

Performance Regime includes:

- incentive scheme to facilitate punctual train run
- reservation fees.

Payment obligation arising from incentive schemes mentioned above and financial compensations are related to the charges determined in Network Statement but not related to the mark-ups.

A new chapter (IV.2) is added to the document

2.) IV.2. Reservation fees

The title and numbering of the former Chapter IV.2 was modified.

3.) IV.2.1. Reservation fee for regularly unused train paths

4.) IV.2.2 Fees for other unused capacities

The following elements were transferred based on Budapest-Capital Regional Court judgement 103.K.701.055_2020_25 (Annex 6.) from the network access contract of MÁV Zrt. In case of elements transferred according to court judgement, if they are not deleted from the network access contract, the payment obligations can only be settled on the basis of this document.

IV.2.2.1 Non-use of path on the network of MÁV Zrt.

The fee for the lack of path use on the network of MÁV Zrt. is expressed as a percentage of the fee for basic services without mark-up.

4% of the basic service fee without mark-up for a path cancelled within 24 hours before the scheduled departure time specified in the allocation, 8% of the basic service fee without mark-up for a path cancelled within 24 hours after the scheduled departure time specified in the allocation, in case of non-cancellation in all train categories, 100% of the basic service fee without mark-up must be paid to MÁV Zrt.

If both the reservation fee for regularly unused train paths and for paths cancelled within 24 hours after the scheduled departure date specified in this point are subject to a payment obligation, the surplus payment obligation set out in this point shall not be reimbursed for the paths concerned.

In case of cancelled train paths, as well as train paths without cancellation and if the service is not used at all (non-used -on the full route), the fee for non-use of the path will be charged on the basis of the planned data included in the path order.

If the end of the route of a path was non-used for a reason in the interest of RU, 55% of the basic service fee (without mark-up) of non-used part shall be levied as a cancellation fee, which is calculated based on the fact data recorded at the last station of the train.

In case of emergency MÁV Zrt. is entitled to withdraw train paths allocated by VPE. In this case, withdrawal of a train path by MÁV Zrt. is not qualified as path cancellation, and it is not under the scope of this chapter.

IV.2.2.2 Non use or cancellation of loading areas on the network of MÁV Zrt.

MÁV Zrt. provides for the RUs the use of public loading sidings and loading areas belonging to these sidings based on Network Statement point 3.6.10 within the framework of the service “Use of stations”.

From the loading areas listed in the Network Statement, MÁV Zrt. considers those on the following stations to be primary public loading areas:

	<u>Name of station</u>	<u>Code of station</u>
<u>1</u>	<u>Baja</u>	<u>16709</u>
<u>2</u>	<u>Balatonszentgyörgy</u>	<u>03566</u>
<u>3</u>	<u>Békéscsaba</u>	<u>18036</u>
<u>4</u>	<u>Berettyóújfalu</u>	<u>14423</u>
<u>5</u>	<u>Debrecen</u>	<u>13912</u>
<u>6</u>	<u>Dombóvár</u>	<u>06189</u>
<u>7</u>	<u>Füzesabony</u>	<u>11296</u>
<u>8</u>	<u>Győrszabadhegy</u>	<u>02022</u>
<u>9</u>	<u>Hajdúböszörmény</u>	<u>14670</u>
<u>10</u>	<u>Hajdúhadház</u>	<u>13953</u>
<u>11</u>	<u>Hort-Csány</u>	<u>11221</u>
<u>12</u>	<u>Kaposvár elágazás</u>	<u>43588</u>
<u>13</u>	<u>Kemecse</u>	<u>14043</u>
<u>14</u>	<u>Kiskunfélegyháza</u>	<u>17137</u>
<u>15</u>	<u>Lepsény</u>	<u>03301</u>
<u>16</u>	<u>Mátészalka</u>	<u>15495</u>
<u>17</u>	<u>Miskolc-Gömöri</u>	<u>12674</u>
<u>18</u>	<u>Nagykanizsa</u>	<u>03624</u>
<u>19</u>	<u>Nyírbátor</u>	<u>15543</u>
<u>20</u>	<u>Nyíregyháza</u>	<u>14019</u>
<u>21</u>	<u>Orosháza</u>	<u>18614</u>
<u>22</u>	<u>Pátroha</u>	<u>14092</u>
<u>23</u>	<u>Püspökladány</u>	<u>13862</u>
<u>24</u>	<u>Soroksári út rendező</u>	<u>40196</u>
<u>25</u>	<u>Sóstóhegy</u>	<u>14035</u>
<u>26</u>	<u>Szajol</u>	<u>13771</u>
<u>27</u>	<u>Szentlőrinc</u>	<u>07260</u>
<u>28</u>	<u>Szolnok-Rendező</u>	<u>40485</u>
<u>29</u>	<u>Törökszentmiklós</u>	<u>13789</u>
<u>30</u>	<u>Újfehértó</u>	<u>13987</u>

In order to avoid conflict situations between RUs arising from orders and to provide non-discriminatory services, MÁV Zrt. analyses the utilization of loading areas and the ratio of ordered and actually used services, depending on which it can modify the list of these stations. The list can include loading areas where the proportion of the ordered time interval and the total time interval, as well as of the requests within 24 hours cancelled or not cancelled exceeds 50%.

The aim of checking the activity is to finish the loading activity within the time span of ensuring access to loading sidings provided in the allocation and this way it shall not cause a secondary delay, but shall facilitate the more efficient use of loading capacity.

In the event of non-use or cancellation of the loading area, the RU shall incur a surplus payment obligation, unless these events have occurred for a reason imputable for the Infrastructure Manager.

In order to use the loading areas more efficiently and to avoid unjustified capacity reservation, cancellation fee is applied if the loading area ordered is not used or cancelled. The RU shall pay a cancellation fee after previously booked and allocated but not used loading time. The rate of these cancellation fees can be seen in the table below.

Loading area cancellation fee depending on the time of cancellation:

<u>Date of cancellation before the beginning of scheduled use of order</u>	<u>Cancellation fee (HUF/loading area provision hour)</u>
<u>Up to the 5 days before the beginning of the planned use</u>	<u>0</u>
<u>Between 5 days and 24 hours before the beginning of the planned use</u>	<u>50</u>
<u>Within 24 hours before the beginning of the planned use</u>	<u>150</u>
<u>Within 24 hours after the beginning of the planned use</u>	<u>500</u>
<u>If the request is not used at all without cancellation</u>	<u>2000</u>

The RU has the opportunity to cancel the loading time reserved previously.

The surplus payment obligation in case of non-use or cancellation of the loading area is settled on the basis of planned data, which all have to be clearly indicated in the invoice attachment.

IV.2.2.3 Cancellation fee connected to the ensuring of shunting staff on the network MÁV Zrt.

In order to avoid unjustified capacity reservation, it is reasonable to use cancellation fees. The rate of the cancellation fees related to services are counted in percentage of the service fee.

Cancellation fee related to ensuring of shunting staff:

<u>Date of cancellation related to the beginning of planned use</u>	<u>Cancellation fee in percentage of the service fee (%)</u>
<u>At least 8 days earlier</u>	<u>0</u>
<u>Within 8 days before</u>	<u>10</u>
<u>Cancellation within 24 hours after the beginning of the planned use, and without cancellation non using the service</u>	<u>100</u>

The base of the surplus payment calculation in case of service of ensuring of shunting staff is the quantity in the order.

IV.2.2.4 Division of tasks related to the elements

MÁV Zrt. delivers fact data needed for the impact assessment to VPE.

IV.2.24.5 Hypothesis relating to the elements

The expectations related to the elements can be formed after examining the fact data.

5.) VI.Data-demand connected to the Performance Regime

Chapter VI.2 was modified as follows:

VI.2 Reservation fees

~~In order to perform impact assessment for the Performance Regime, Infrastructure Manager is obliged to deliver to VPE real time fact data about and deliver the indications of requests of service without splitting-up of wagons at primary stations.~~

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 fees.

A new annex (5.) is added to the document

6.) Annex 5.-2019_12_11_1_Határozat_PIUUF_97933_10_2019_ITM.pdf

A new annex (6.) is added to the document

7.) Annex 6.-VPE_ITM_103.K.701.055_2020_25. sz. Ítélet_210729.pdf