

APPENDIX 5.7

Performance Regime

Modification list - PR 2023-2024 Modification B

1) III. Principles of the Performance Regime

The list of elements was modified as follows:

Performance Regime includes:

- incentive scheme to facilitate punctual train run
- reservation fee
- **special element on railway line 136.**

2)

Chapter (IV.3) was re-added

IV.3. Special element on railway line 136

The border crossing at Kelebia operating as Balkan transit railway gate is not accessible because of development of Budapest-Belgrade railway line, and the alternative freight route towards Serbia is the border crossing at Rösztke, where there is infrastructure improvement too without possibility of replacement track's designation. The railway section has been declared as congested track section since August, 2022. The coordination procedure of 2023/2024 timetable period was not successful neither at the finalisation of annual working timetable nor at the judgement of annual late requests, so the congested condition still remained. For the sake of the more efficient utilisation of available capacity the special element on railway line 136, introduced in Modification 3 of Performance Regime for 2022/2023 timetable period -with the necessary changes - will be kept in the regime.

IV.3.1 The aim of the element

The aim of the element is to foster the more efficient utilisation of capacity with bottleneck by possible capacity re-allocation.

IV.3.2 Applied procedures

In case of train paths touching the section Röscke - Röscke oh. out of any directions,

- outwards: those train paths which were cancelled within 12 hours before the planned departure time being in the order at Röscke [HU17673] or concerned in cancellation failure
- inwards: those train paths which were cancelled within 12 hours before the planned departure time being in the order at Röscke oh. [HU07120] or concerned in cancellation failure

the railway undertaking (RU), in case of orders applied by authorised applicant the appointed RU is obliged to pay special cancellation fee.

Those train paths, which has already have „The train is ready to run” report or recorded factual data, are not under the scope of this special cancellation fee.

In case of special cancellation fee the deadline of concerningness in cancellation failure is the same as the deadline of cancellation.

In case if the time of cancellation is involved in the sanctioned period because of time need of the application process, but the RU applied it in time (timepoint of indication in the IT path requesting system), then the special cancellation fee is out of scope.

If the train path is under the scope of this special cancellation fee, then it is not counted at reservation fee.

IV.3.3 Degree of the element

The degree of special cancellation fee will be determined with impact analysis using factual data in that case if the procedure, regarding congested track in point 4.6 of the Network Statement, can no longer efficiently solve the lack of capacity.

The results of the analysis will be finalised based on agreements in consultation with concerned parties. After that the fee per path cancelled or concerned in cancellation failure defined in point IV.3.2 will be quantified and simultaneously the rules of point IV.3 regarding the payment obligation and accounting will also come into force.

IV.3.4 Accounting method of the element

The special cancellation fee is invoiced by the Infrastructure Manager MÁV Co. on a monthly basis as an invoice attachment in a way that it can be clearly identified.

The RU can dispute the accounting as described in chapter VII.1. Settlement of a complaint.

IV.3.5 Hypothesis relating to the element

The expectation connected to the element is that the quantity of the re-allocable capacity available in time for other RUs should increase on line 136.

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

Chapter VI.3 was added:

VI.3 Special element on railway line 136

In order to conduct impact assessments for the Performance Regime, Infrastructure Manager is obliged to deliver its data to VPE, which are necessary to the calculations concerning the special cancellation fee.