Network Statement
Part I

CHAPTER 1
GENERAL INFORMATION

1.1 Introduction

In order to facilitate the use of the open access railway network (hereafter railway infrastructure) the Member States of the European Union (EU) shall publish information on the nature of the railway infrastructure, set out the conditions for its use, specify services offered by the infrastructure manager and define network-access charges.

In accordance with the rules of the Act CLXXXIII of 2005 the Minister of Economy and Transport shall regulate in decree the detailed rules concerning services to be provided within the framework of open access to the railway network and the detailed rules of using these services, of capacity allocation of the railway network, of the content of the Network Statement, as well as the rules of timetabling; the Minister of Economy and Transport and the Minister of Finance shall regulate the framework of track access charging system, as well as the main rules of charging and its application in a joint decree; the Government shall regulate services to be provided within capacity allocation as well as the legal relation between the capacity allocation body and the integrated railway company in a separate decree.

On the basis of authorisation by regulation, the Rail Capacity Allocation Office (hereafter VPE) shall conclude

a) General Terms and Conditions ensuring rail network capacity,
b) network access charges, as well as detailed conditions of their application
c) detailed conditions of rail network capacity allocation, including the rules of the coordination procedure, as well as
d) traffic and technical specifications of rail track network.

in the Network Statement.

By reason of the above-mentioned regulations this Network Statement on the use of open access rail network shall set out the conditions for satisfying the requests submitted by the railway undertakings for the use of railway infrastructure as follows:

VPE shall be responsible for the allocation of rail network capacity and also for determining network access charges. VPE shall perform its tasks in such a way that train path requests of railway undertaking using the rail network shall fully be met by decisions made in a non-discriminatory manner under uniform principles.

1.2 Objective

The objective of the Network Statement is to lay down conditions and order of procedures relating to the access to open access rail network and its use.

1.3 Legal framework

The following regulations of the European Union have been considered during the development of this Network Statement:

a) Council Directive 91/440/EEC on the development of the Community's railways, as well as Directive 2001/12/EC of the European Parliament and of the Council amending the Council Directive 91/440/EEC,
b) Council Directive 95/18/EC on the licensing of railway undertakings as well as Directive 2001/13/EC of the European Parliament and of the Council amending Council Directive 95/18/EC,
c) Directive 2001/14/EC of the European Parliament and of the Council on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification.
d) Council Directive 96/48/EC on the interoperability of the trans-European high speed rail system, and Directive 2001/16/EC of the European Parliament and of the Council on the interoperability of the trans-European conventional rail system,
e) Directive 2004/49/EC of the European Parliament and of the Council on the safety on the Community's railways and amending Council Directive 95/18/EC and Directive 2001/14/EC,
f) Directive 2004/50/EC of the European Parliament and of the Council amending Council Directive 96/48/EC and Directive 2001/14/EC.
g) Regulation 881/2004/EC of the European Parliament and of the Council establishment of the European Rail Agency,
h) Directive 2004/51/EC of the European Parliament and of the Council amending Council Directive 91/440/ECC.

The Network Statement is based on the following national rules:

a) Act IV of 1959 on the Civil Code,
b) Act XCV of 1993 on the Railways,
c) Act XVI of 1991 on Concession,
d) Decree of the Minister of Transport and Water Affair No. 15/2002 (II.27) KöViM on licensing of the operation of railway undertakings,
e) Joint Decree of the Minister of Economy and Transport and the Minister of Finance No. 34/2003 (V.28.) GKM-PM on the separation of accounts of railway businesses within the railway company,
f) Joint Decree of the Minister of Economy and Transport and the Minister of Finance No. 66/2003 (X.21.) GKM-PM on the charge for the use of the railway infrastructure and on the charging principles,
g) Decree of the Minister of Economy and Transport No. 67/2003 (X:21.) GKM on the capacity allocation of the national public railway.

h) Decree of the Minister of Economy and Transport No. 48/2004 (IV.22.) GKM amending the Decree of the Minister of Economy and Transport No. 67/2003 (X.21.) GKM on the capacity allocation of the national public railway, and the Decree of the Minister of Transport and Water Affairs No. 9/2002 (II.6.) KöViM on the interoperability of high speed rail system,

i) Decree of the Minister of Economy and Transport No. 14/1985 (XI.30.) KM on the medical examination and evaluation of suitability to work of railway employees,

j) Decree of the Minister of Transport and Water Affairs No. 9/2002 (II.6) KöViM on the interoperability of high speed railway systems,

k) Decree of the Minister of Economy and Transport No. 51/2004 (IV.22.) GKM on the safety certificate,

l) Decree of the Minister of Economy and Transport No. 103/2003 (XII.27.) GKM on the interoperability of the conventional railway systems.

1.4 Structure of Network Statement

Part I of the Network Statement has been divided into six main chapters (see Table of Contents). Addition to Part I contains rules of access to the Záhony Transhipment Area, Part II lays down rules for the traffic of working trains. The texts have been completed with Annexes and Appendixes, which contain data given in maps and tables.

1.5 Validity of Network Statement

This Network Statement applies to standard, broad and narrow gauge public railway network of MÁV Rt as well as to the Hungarian part of the standard gauge public railway networks of GySEV Rt. and the Fertőtó Area Local Railway Co. (Fertőtóvidéki Helyiérdekű Vasút Rt.). The Network Statement is in force from 1 January 2006.

After entering into force of governmental and ministerial decrees affecting the network Statement and compiled on the basis of authorization laid down in § 88 of Act CLXXXIII. of 2005 Network Statement shall be modified in accordance with the provisions thereof.

1.6 Publishing of Network Statement

Network Statement can be downloaded from the VPE homepage www.vpe.hu in electronic form, or can be purchased in the domicile of the VPE in printed form.

1.7 Contacts

The OSS of VPE keeps contact with the OSSs of capacity allocation organisations of other states. Train path requests for the use of the railway infrastructure of more than one IM or more than one state shall be submitted only to one OSS of any of the states.

VPE shall keep contact with railway undertakings through its OSS.

Main tasks of the OSS:

a) allocation of train paths, coordination of train path requests,
b) advice and information to train path applicants on choosing train paths and the order of procedures described by the Network Statement,
c) checking the existence and validity of licenses, concessions, safety certificates of railway undertakings.
d) mediation of any other services relating to the use of the train path,
e) providing international train paths through the OSS of the RailNetEurope (RNE).

Address: VPE Rail Capacity Allocation Office
OSS
1066 Budapest, Teréz krt. 62.
Hungary

Telephone: + 36 1/ 511 – 7268
+ 36 30 / 667-4633
+ 36 1 /312 – 0012
+ 36 1 /511 4670
Fax: + 36 1 /511 7220
+ 36 1 /332- 8025

Fax in the railway telephone network: 01/72-20
e-mail: oss@vpe.hu
Internet: www.vpe.hu

1.8 Glossary

For the list of the main definitions of this Network Statement see Annex 1.1

CHAPTER 2
ACCESS CONDITIONS

2.1 Introduction

This chapter summarizes the conditions of access to the rail infrastructure.

2.2 General access requirement

2.2.1 Access

According toh points a) and b) (subsection 6) section 2 of Act XCV of 1993 access to the rail infrastructure shall be granted to

a) railway undertaking with domestic seat or international grouping established by such a railway undertaking,

b) on the basis of international agreement or reciprocity to railway undertaking seated abroad.

In accordance with provisions of the Act (XXX of 2004) publishing the international treaty on the access of the Republic of Hungary to the European Union, access right to railway infrastructure shall be granted:

a) for international combined freight transport services to any foreign railway undertaking seated in any Member States of the European Union,

b) for railway transit services to any of international groupings established by railway undertaking registered in any Member States of the European Union,

c) on the tracks and accessories of the national main railway network defined in a separate act (see Annex 2.1) (and on feeder lines in a maximum length of 50 km, see Annex 2.2) for international transport of goods to any foreign railway undertaking seated in any Member States of the European Union.

For railway undertakings with a seat in any Member States of the European Union the use of railway track of the national main network (and the connected feeder lines in a length at maximum of 50 km) can be limited to 20% of the train quantity calculated taking into consideration the practical capacity of the lines.

Access to the railway infrastructure shall be applied by railway undertaking meeting the requirements defined in this Network Statement. Application shall be submitted to the VPE OSS.

2.2.2 Varification of capability for using the railway infrastructure

Track Access Contract may be concluded by railway undertaking that verifies his capability for using the railway infrastructure with documents or other papers listed below:

a) operation licence:

   issued in accordance with Decree No. 15/2002 (II.27) KöViM on licensing of the operation of railway undertakings or an equivalent licence issued in any Member State of the European Union and its official Hungarian translation.

b) safety certificate:

   a document issued by an authority in accordance with Decree No. 51/2004 (IV.22.) GKM on the safety certificate required to the use of the railway track and its accessories.

Railway undertaking shall notify the rail capacity allocation body of any changes in the above-mentioned documents and papers within 5 working days after the change in writing.

Rail capacity allocation body is entitled to check the authenticity of data contained by the documents and papers.

After having checked the existence of the documents prescribed, rail capacity allocation body shall request the empowered and competent infrastructure manager (hereafter IM) to conclude a Track Access Contract with the applicant that shall be countersigned by VPE.

2.2.3 Rights and liabilities

2.2.3.1 Rights and liabilities of the rail capacity allocation body

The rail capacity allocation body (VPE) is entitled to

a) check whether the trains operated by the railway undertaking meet the technical and safety requirements of the network,
b) define the track access charge for the service,
c) conclude a framework agreement in the event of application exceeding one timetable period.
d) limit, withdraw the right to use the train path, or to designate a different route in the event of disturbances and for a period necessary to restore the normal situation,
e) check whether trains on the public rail infrastructure run in accordance with the allocated train paths,
f) check whether only trains with allocated train paths run on the public railway infrastructure,
g) initiate penalization of railway undertaking and infrastructure manager violating the rules of this Network Statement.
h) initiate coordination process in the event of disputes between railway undertaking and infrastructure manager,

i) in certain cases (operation licence has been revoked, using the train paths less than a threshold quota- Network Statement Point 4.5 -,non-payment of debt exceeds 90 days) withdraw the right to use the train path allocated,

j) in the event of conflicting requests, after a coordination process offer a capacity other than requested to parties and railway undertakings ,

k) declare the effected railway section congested if there is scarcity of capacity and it is not possible to satisfy requests received for capacity even after a coordination process.

l) in the event of a congested section of infrastructure initiate to carry out capacity analysis and to make proposal to eliminate bottle necks by the IM,

m) countersign track access contracts.

The capacity allocation body (VPE) is obliged to:

n) define detailed rules of and set the schedule for capacity allocation,

o) inform infrastructure managers which railway undertakings are entitled to use the railway infrastructure,

p) allocate capacity of railway track and its accessories in a non-discriminatory manner taking into account the priority rules defined under point 4.3, and provide services requested,

q) keep the schedule of capacity allocation,

r) send draft timetable of train path requested to the applicant for requesting his opinion,

s) prepare proposal for the Network Statement or its modification after consultation with the interested parties,

t) define international trains path drafts,

u) conduct coordination process in the event of conflicting train path requests,

v) define bottle necks of the railway network, explore the reasons for congestions and initiate their elimination,

w) respect the commercial confidentiality of information provided.

2.2.3.2 Rights and liabilities of the infrastructure manager

The Infrastructure manager is entitled to:

a) carry out renewal, maintenance works or have them carried out on the railway infrastructure belonging to his management

b) run working trains in accordance with Part II of this Network Statement

The infrastructure manager is obliged to:

c) operate the public railway network,

d) construct timetables on the request of the railway undertaking,

e) enter into contract with railway undertaking on request of the capacity allocation body,

f) carry out capacity analysis on request of the capacity allocation body,

g) present the contract concluded with the railway undertaking to the rail capacity allocation body and have it countersigned by this body,

h) provide the allocated train path and services related,

i) give information on the performance of the requested service,

j) maintain the infrastructure in such a state which satisfies the conditions of safe transport,

k) provide RUs with instructions and regulations relating to train traffic available to railway undertakings against payment,

l) respect the commercial confidentiality of information provided.

2..2.3.3 Rights and liabilities of railway undertakings

Railway undertaking is entitled to:

a) submit request for train path and services,

b) initiate coordination process concerning the draft timetable,

c)appeal to the Hungarian Railway Office in the event of complaint,

d) get information on the performance of the services requested.

The railway undertaking is obliged to**:**

e) conclude track access contract with the infrastructure manager,

f) inform the rail capacity allocation body on the changes made in the conditions for requesting train path within 5 days after changes.

g) provably inform the infrastructure manager regarding freight trains about the composition of train, its possible delays and also about further conditions laid down in individual contracts at least one hour prior; regarding passenger trains about the amendments in train composition in the case of domestic trains 1 hour prior, in the case of border crossing trains 30 minutes prior to the departure of the train or its entering the railway network,

h) keep instructions given by the infrastructure manager relating to train traffic,

i) employ staff and assisting persons who meet domestic and international rules in the field of railway safety, can speak and write in Hungarian and have the necessary skills and exams prescribed,

j) fill in documents necessary for train operation, supply data in order to account performances,

k) contribute to the elimination of disturbances on request of the infrastructure manager and on payment,

l) pay the charge levied for the use of the track and its accessories within the set deadline.

2.3 General business/commercial conditions

2.3.1 Framework agreement

Capacity allocation body may conclude framework agreements with those applicants who require capacity for a period longer than one year. Framework agreement shall specify the characteristics of train paths but shall not specify the concrete train paths. Conclusion of a framework agreement shall not preclude the use of the relevant infrastructure by other applicant, but in the event of conflicting train path requests that applicant, who has a framework agreement, wins priority over other applicants.

Parties may amend the framework agreement by common consent. Should any of the partners be blamed for violating his obligations resulting from the framework agreement he shall be obliged to compensate for the damage.

If the performance became impossible due to a reason for which one of the parties could be blamed the other party may claim compensation for its losses resulting from the lack of performance.

Framework agreement without special notice shall be valid for a period of five years. A period longer than 5 years must be justified by the existence of commercial contracts, specialised investments or risks. Framework agreement for a period longer than 10 years may only be concluded, if the applicant participates in a long-term huge volume rail infrastructure investment. In this case framework agreement must also contain obligations relating to the investment.

The conclusion of a new framework agreement shall be initiated by the applicant for a period after expiration.

Applicant in possession of a valid framework agreement shall submit its requests for the annual timetable period in compliance with the relevant rules.

2.3.2 Track access contract between the infrastructure manager and the railway undertaking

Contracting shall be initiated by the railway undertaking. Track access contract shall regulate technical, financial and legal conditions of the use of the railway infrastructure.

Train path means access to and right for the use of open lines, as well as on main track, points, track connections, engineering structures, signalling equipments, overhead line system (inclusive of the energy supply system, exclusive of traction energy) on stations, stops and other suitable traffic control places and also means performing of train services on the train paths (inclusive of the management and forwarding of the necessary means and data).

Conditions for the track access contracts entering into force are as follows:

Allocating decision of VPE,

If for the use of the infrastructure the use of a industry siding is also necessary (private objective, connecting ,adjoining railway track, hereafter industry sidings):

supply contract between applicant and user of the industry siding,
service contract between applicant and infrastructure manager on industry sidings.

Infrastructure manager is obliged to prepare the contract within 15 days from initiating the conclusion of contract. Period of preparing the contract may once be prolonged with 30 days.

Railway infrastructure may not be used in lack of train path allocated and valid track access contract.

Track access contract shall contain the following:

a) data of parties,
b) content of the right for use,
c) definition of the infrastructure to be used,
d) duration of the right for use,
e) conditions of cancellation of train path,
f) services provided by IM,
g) obligation of applicant,
h) personal to be employed with statement regarding skills and medical suitability to work
i) data of vehicles to be used and legal statement on the safe operation of vehicles,

j) if the railway undertaking uses the railway infrastructure with a locomotive in his own operation, a table containing the average per unit traction electric power consumptions characteristic of the locomotive and of the type of train forwarded shall be a compulsory annex to this agreement,

k) financial condition
- Valid track access fee,
- Payment conditions (mode of payment, currency, deadline)
- Security conditions

l) name of the railway undertaking carrying out the technical and traffic safety examination of railway vehicles and trains, as well as the letter of intent from the railway undertaking.

General terms and conditions for the use of the railway infrastructure are defined in Annexes 2.3.1 and 2.3.2.

The Infrastructure Business Unit of MÁV shall conclude a track access agreement with business units carrying out railway undertaking activities within the organisation of MÁV, as well as GySEV Infrastructure Manager part shall contract with the GySEV railway undertaking part. Content of the track access agreement is equivalent with that of the track access contract.

When concluding th track access contract for the use of the railway infrastructure (hereafter track access contract) general rules for agreement within the Act IV. of 1959 on the Civil Code (hereafter Ptk) and the provisions of the Network Statement shall jointly apply.

On the authorisation of legal rules VPE shall define access conditions and charging in this Network Statement.

2.3.3 Information provided by the infrastructure manager to the railway undertaking

Infrastructure manager shall give the following information to railway undertakings: data of train paths allocated to railway undertakings, amount of track access charge to be paid for requested train path and services, data relating the effective traffic of trains operated by railway undertakings, information on building, maintenance and enhancement works outside the scope of Appendix 4.6 which may disturb train traffic and requires specific arrangements from the applicant of train path.

2.3.4 Information provided by the railway undertakings to the infrastructure manager

Railway undertakings shall deliver data to the infrastructure manager before the departure of their trains or their entering the network,

a) in case of passenger trains
for domestic trains at least one hour prior to,
for border crossing trains at least 30 minutes prior to

on he deviation from the vehicle compositions order of train concerned,
other data laid down in the track access contract;

b) in case of freight trains at least 1 hour earlier on
the composition of train concerned,
delays,
other data laid down in the track access agreement.

Forwarding data into the electronic control system belongs to the tasks of the infrastructure manager.
Railway undertaking shall be liable for damages caused by the lack of information described above.

2.3.5 Rule for the use of the infrastructure, revoking of access rights and cancellations

Particularly in the case of congested infrastructures, rail capacity allocation body is entitled to withdraw those train paths from the railway undertaking which have been used by him by his own mistake during three consecutive months only in 80% regarding passenger trains, or only in 60% regarding freight trains, compared to that laid down in the contract.
Rail capacity allocation body shall inform the railway undertaking about the decision on withdrawal of a train path.

Should any changes occur in any documents verifying the suitability conditions required for the use of the railway infrastructure, the capacity allocation body is entitled to revise the usage right for train path allocated. If the documents mentioned will not verify unambiguously the access right of the applicant, the capacity allocation body may - in his decision - revoke the access right, or may limit the use of the train path.

Applicant may cancel the train path requested by him or allocated to him at VPE in writing. Financial obligations concerning cancellations are described in track access contract.

2.3.6 Documents to be used during train runs

During train runs “Running schedule” or Journey report” shall be used in accordance with rules described in Appendix 2.4.

2.3.7 Exceptional consignments

Concerning exceptional consignment limitations relating to certain railway sections and also charging rules are defined in point 4.5 as well as Chapters 5 and 6.

2.4 Conditions to the running of rolling stoke/rolling stock acceptance process

The compliance of rolling stock shall be verified by the relative part of the railway undertaking's operation licence. Wagon inspection may be carried out by the applicant himself or by any railway undertaking mandated by the applicant who is in possession of personell having valid qualifications as wagon inspector.

Railway undertaking shall meet technical and traffic safety conditions in regard to train composition, vehicle and train inspection, train braking.

Personell of the railway undertaking shall record effective vehicle inspection and brake trial in the Running Schedule or the Journey Report.

In accordance with the provision of the track access contract railway undertaking or a person acting in the representation of the RU shall provably inform the infrastructure manager or a person acting in the representation of the IM on the compliance of the technical vehicle inspection of the train with traffic safety conditions and the effective fulfilment of the required brake trial.

2.5 Conditions concerning staff / staff acceptance process

Suitability of the staff of the railway undertaking shall be verified by the staff-relevant part of the safety certificate in which the railway undertaking verifies that his staff knows the definitive, railway transport regulating orders, and have passed railway professional and medical suitability exams defined. Staff of the railway undertaking may only carry out activities concerning railway infrastructure if the track access agreement includes a separate agreement on this issue.

CHAPTER 3

DATA ON THE RAILWAY INFRASTRUCTURE

3.1 Railway network

Network Statement applies to standard, broad and narrow gauge public railway infrastructure. List and numbering of line sections can be found in Annexes 3.1 and 3.2.

List of the border stations within the network, infrastructure managers of the neighbouring countries and traffic types possible at border crossing stations as well as the opening hours of plan sanitation and veterinary hygiene service can be found in Annex 3.2.

3.2 Extent of the network

List and numbering of lines forming the railway network and their main technical characteristics are summarized in Annex 3.1 and Appendix 3.1. Line-position of official locations forming part of the railway network, marking of passenger and freight train formation yards (including the maximum train length), number and maximum length of storage sidings on stations are described in Appendix 3.4. Industry sidings connecting to public network to which the infrastructure manager provides services can be found in Appendix 3.19.

3.2.1 Geographical nature of the rail network elements

3.2.1.1 Lines/tracks

The railway network consists predominantly of standard gauge lines, but also ofnarrow gauge (760 mm) and broad gauge (1524 mm) lines in the Záhony area. Double track lines are shown in Appendix 3.5.

3.2.1..2 Stations, nodes
Geographical descriptions of the network, main network elements, as well as the distance of elements are shown in Annex 3.3.

3.2.2 Technical and technological characteristics of lines, sections of lines

3.2.2.1 Loading gauge

Loading gauges used by MÁV and GySEV as well as international and the GA (UIC) , GB (UIC) loading gauges are shown in Annexes 3.4.1-3.4.5.

3.2.2.2 Combined freight traffic

Unique marking and coding of railway lines on which the carriage of transportation units such as high capacity containers, semi trailers and swap bodies in combined freight traffic is possible, as well as the conditions of their carriage are defined by UIC Leaflet No 596-6, point 32 and table 5 of Appendix II to RIV – Loading rules, and also by separate agreements concluded by railways. Conditions for the carriage of units of combined freight traffic can be seen in Appendix 3.6.1.

Categorisations of lines concerning carriage of semi trailers, swap bodies are shown in Appendix 3.6.2.

Appendix 3.7 shows lines and terminals which can be used by **RoLa** trains.

3.2.2.3 Technical development of lines, line sections (axle load, meter load, speed) and permitted length of trains

For axle loads permitted for different lines see Appendix 3.8.

For meter load permitted for different lines see Appendix 3.9.

For maximum speed permitted for different lines se Appendix 3.10.

For maximum train length on different lines see Appendix 3.10. The maximum passenger and freight train length on certain station can be seen in Appendix 3.4.

3.2.2.4 Characteristics of the overhead line system

Clearance on electrified lines and on lines assigned for electrification has been established in compliance with standard MSZ 869/4-81 “Clearance of the national public railways. Clearance of electrified tracks“.

Voltage of the electric overhead contact line is 25000 V, its frequency is 50 Hz. Data on the interoperability of electric overhead contact line system as well as voltage and frequency data of electric overhead contact lines of different electrified border crossings can be seen Annex 3.5 Electrified railway lines can be found in Appendix 3.11.

3.2.3 Control command and safety system

3.2.3.1 Ground-train radio system

System and application of ground-train radio can be found in Appendixes 3.12.1 and 3.12.2.

3.2.3.2 Traffic management on open lines

Systems used for open line traffic management are as follows:

a) Central Traffic Management (KÖFI)
b) Central Traffic Control (KÖFE)
c) operation controlled line

d) Radio-based traffic management on sidings (MERÁFI) and traffic management on sidings (MEFI)
e) supervised line

Characteristics of individual systems and types of the traffic management systems used on lines can be seen in Appendixes 3.13.1 and 3.13.2.

3.2.3.3 Continuous data transmission, train protection

Main characteristics of continuous data transmission and train protection systems are contained by Appendix 3.14.1
Lines developed for train protection can be seen in Appendix 3.14.2.

3.3 Traffic restrictions, availability

Service interruption/break in force on certain lines can bee found in Appendix 3.15, availability of shunting locomotives and staff which can be ordered from infrastructure manager can be seen in Appendix 3.16.

3.4 Service facilities

List of passenger train formation yards can be seen in Appendix 3.4.

List of main freight train formation yards and their main characteristics can be seen in Appendix 3.4.

List of service locations (freight terminals for conventional and combined traffic) can be found in Appendix 3.4.

Number and maximum length of storage sidings of stations are described in Appendix 3.4.

CHAPTER 4

CAPACITY ALLOCATION (TRAIN PATH ALLOCATION)

4.1 Description of the process

4.1.1 Detailed description

Train path may be requested only by railway undertaking which can verify its capability for the use of the railway infrastructure in compliance with point 2.2 of this Network Statement.

Railway undertaking shall submit his application for the use of train path and services to VPE in writing. Model of the application forms for requesting train path and services can be found in Appendix 4.1 regarding passenger trains and, in Appendix 4.2 regarding freight trains and in the case of passenger special trains in Appendix 4.3. It is also possible to apply for proposed, pre-constructed train paths listed in Appendix 4.9.

When for the use of train path also the use of a non-public railway track and its accessories, industry sidings are also necessary, railway undertaking must declare to the capacity allocation body whether he is in possession of a valid agreement or service contract for the use of industry sidings and additional/auxiliary services required. This is the prerequisite for capacity allocation.

VPE monitors the draft timetable with a view to capacity allocation and after necessary amendments VPE shall approve it.

Train paths for working trains shall be applied for under the provisions of Part II of this Network Statement.

4.1.2 Organisations authorised to allocate capacity or to settle disputes concerning rail capacity allocation:

a) if coordination is necessary:

Rail Capacity Allocation Office (VPE)
Budapest, Teréz krt. 62.
H-1066
Telephone: 36-1-511-7268
36-1-511-4670
Fax: 36-1-332-8025
36-1-511-7220
e-.mail: oss@vpe.hu

b) Authorised body entitled to adjudge claims against the decision of VPE:

Hungarian Railway Office

Budapest, Múzeum u. 1.

H-1088

Telephone: *36-1-511-3131*
Fax: *36 -1-511-4669*

4.2 Schedule for path request and capacity allocation process

a) Deadlines for the annual timetable

Deadlines and process of train path requests and capacity allocation can be found in Appendix 4.4.

b) Deadlines of ad hoc requests within the annual timetable period counted from the receipt of applications

Type of train paths	Time needed for allocation
pre-constructed train paths of the IM	1 calendar day
Modification of an allocated train path without modifying time table construction	1 calendar day
New train path	30 calendar day

Submission of an ad hoc train path request	
Time	Competent authority
More than 1 day prior to train run	VPE Rail Capacity Allocation Office
1 calendar day prior to the traffic	Operation Management Centre of MÁV* Traffic Management Departments of Regional Traffic Centres of MÁV* Traffic Department of GySEV. VPE Rail Capacity Allocation Office

* Requests submitted on the previous day of the traffic shall also be satisfied if the applicant has concluded a contract or an agreement with the Infrastructure Business Unit of MÁV for the given timetable period. In these cases - on VPE's authority – The Traffic Management Department of the regionally competent Regional Traffic Centre of MÁV and the Traffic Department of GySEV shall directly accept requests (in accordance with Appendix 4.7) which shall simultaneously be sent also to VPE.

After checking the existence of documents defined the competent infrastructure organisation may grant authorisation for train path taking into account free capacity available. The competent infrastructure organisation shall inform thereof the applicant of the train path.

If train path request affects the scope of more than one regional traffic centre the request shall be submitted to the Operation Management Centre of MÁV.

4.3 Allocation process, coordination of requests

4.3.1 Coordination – harmonisation procedure

If train path requests conflict, VPE shall attempt to coordinate them within a coordination process by involving the effected railway undertakings, and taking into consideration priority rules and capacity available.

In the case of conflicting train paths, capacity allocation body – within reasonable limits - may propose train paths which differ from the one requested. Capacity allocation body shall launch coordination process in respect of conflicting train paths and capacity differing from the requested.

Coordination processes shall be conducted and the final situation shall be developed in such a way that it will be possible to keep deadline for train path allocation.

VPE shall attempt to solve all conflicts through negotiations with the applicants.

If the coordination, harmonisation procedure can not be concluded to the satisfaction of all parties involved within 10 working days, VPE shall make the final decision.

If the allocation of train path requested is not possible, VPE shall refuse the train path application and shall inform thereof the railway undertaking in writing, also giving its reasons.

4.3.2 Settling of disputes, appeals

If the railway undertaking considers the judgement on his application to be prejudical, he is entitled to submit an application to the Hungarian Railway Office within 15 days commencing on the day of receiving the decision of VPE on the judgement of his request. The Hungarian Railway office shall make a decision within the deadline defined in the legal rule. An appeal against the decision of the Hungarian Railway Office does not lie. Should the right or

legitimate interest of any party be prejudiced by the decision of the Hungarian Railway Office, a claim may be submitted to Court to review the decision.

4.3.3 Definition of congested infrastructure

Congested infrastructure is that part of the network where

- regarding open line and station equipments – the practical utilisation exceeds 60% per hour in the pick hours it exceeds 75% in minimum three following hours,

conflicts between train paths applied cannot be solved even after a coordination process.

Appendix 4.5 contains railway sections declared to be congested in certain hours of the day in the given timetable period.

4.3.4 Priority rules and procedure

The sequence of the list below at the same time means the ranking of priorities.

Trains running on the basis of a public service contract with the state enjoy priority over other trains,

Trains running according to the Basic Interval Timetable enjoy priority over trains not running according to the Basic Interval timetable,

Train paths to be assured within a framework agreement have higher priority than new requests,

Train paths requests covering more traffic days have priority over requests covering fewer traffic days,

Train paths for longer distance have priorities over train paths for shorter distance,

Train paths of regular trains have priority over train paths of non-regular trains,

Train path requests of railway undertaking having contributed to the development of the railway infrastructure – concerning the railway line modernised this way – enjoy priority over train path requests of railway undertakings having not contributed to the development of that line,

Request submitted to deadline have higher priority than requests received after the deadline,

Priority is given in chronological order to requests received after the deadline.

VPE shall respect the confidentiality of information received from applicants.

4.4 Allocation of capacity for maintenance, renewal and enhancements

4.4.1 During the timetable construction process infrastructure manager shall take into consideration the infrastructure capacity needs necessary to carry out maintenance, renewal and enhancement works scheduled. Place and time of more significant building

works scheduled can be seen in Appendix 4.6. VPE shall not allocate train path for the listed sections in the time indicated in this Annex.

The IM must carry out or have maintenance, renewal and enhancement carried out so that traffic on train path allocated would be disturbed on a minimum level.

4.4.2 Thirty days prior to the running of the train at the latest infrastructure manager shall inform the railway undertaking through the capacity allocation body of those works which were not taken into consideration during the timetable construction and require traffic management and special arrangements (timetable modification, directing trains to other routes, replacing trains by busses).

Infrastructure manager shall negotiate the traffic management arrangements and timetable modifications to be taken for the non-scheduled track possessions disturbing traffic with the owner of the train path. Procedures relating to vis maior circumstances are covered by point 4.7.1.d.

In the case of non-scheduled track maintenance works railway undertaking and infrastructure manager with the involvement of VPE may jointly modify the track access agreement.

Works carried out on the railway infrastructure do not entitle railway undertaking to claim his demand or charge his cost to the infrastructure manager

4.4.3 Provisions of point 4.7 shall apply to the reconstruction works due to exceptional circumstances and to the capacity demand as a consequence thereof.

4.5 Procedure for the case if allocated capacity is not used

In the case of congested infrastructure the right for using the train path shall cease, if the applicant of the train path – for a reason in his interest, over a period of three months - uses

only 80% of train paths granted to him in the case of passenger trains, and
only 60% of the train paths granted to him in the case of freight trains

compared to the that laid down in the agreement. Calculations for defining the degree of the train paths' usage shall be made on the basis of numbers of trains. This threshold also applies to trains running by the strength of a framework agreement.

4.6 Exceptional consignments, dangerous goods

Applicant shall indicate in its application for train path if he intends to forward trains loaded with exceptional consignment or dangerous goods.

I such cases routes assigned by the capacity allocation body may differ from the ones requested.

4.7 Special measures to be taken in the event of disturbances

4.7.1 Main principles for restoring the scheduled traffic

a) In the event of deviation from the daily plan and timetable, the operational and operative services of the infrastructure manager must take all necessary steps to stop disturbances, restore the scheduled train movements according to the timetable.

b) Railway undertakings must assign contact persons entitled to decide, or have their own management service who shall be notified in the event of disturbance by the operational and operative management service, and the demand of whom shall be taken into consideration in order to restore the scheduled operation.

c) Vis maior and other exceptional unforeseen circumstances

In the event of disturbance to train movements caused by technical failure or accident the infrastructure manager must take all necessary steps to restore the normal situation. For this purpose he shall draw up an emergency plan listing the various public bodies to be informed in the event of serious accidents or serious disturbance to train movements.

The infrastructure manager may, if he deems it necessary, on payment, require railway undertakings to make available to him those means which he feels are the most appropriate to restore the normal situation as soon as possible.

In the event of disturbance making the infrastructure temporarily unusable VPE withdraws the train paths allocated without warning for as long as it is necessary to repair the system. On the basis of the withdrawal of the right for using the train path infrastructure manager modifies the track access agreement.

Procedure:

a) The operation management service of the infrastructure manager shall take the necessary steps to make the infrastructure free of obstacles.

b) The operation management service of the infrastructure manager with the involvement of the management service or representative of the railway undertaking shall take steps to cease the disturbance and to forward the trains of the railway undertaking.

4.7.2 Obligations of the infrastructure manager:

a) informs railway undertakings and other infrastructure operators about exceptional incidents,
b) takes steps to cease disturbances,
c) informs passengers about railway traffic in the area of the railway.

4.7.3 Obligations of the railway undertaking concerning operation management

a) in the case of exceptional events inform the infrastructure operators,

b) request deviations, modifications regarding a given disturbance,

c) contribution to ceasing the disturbance occurred by charging for costs verified,

d) on the basis of information given by the infrastructure manager inform passengers in train,

e) on the basis of information given by the infrastructure manager inform clients of railway undertaking,

f) tolerate the disturbance to railway traffic in the case of exceptional events.

CHAPTER 5

SERVICES PROVIDED TO RAILWAY UNDERTAKINGS

5.1 Services provided by the Infrastructure Business Unit of MÁV Rt

5.1.1 Services provided on payment of infrastructure charge

5.1.1.1 Minimum Access Package (basic services)

Granting of train path (reservation)

a) handling of requests for train path, allocation of train path, right to use allocated train path, ensuring alternative routes in the event of disturbance/accident,

Running of trains

b) access to and use of open lines, running tracks, points, junctions, engineering structures, services provided by control command and signalling equipments of stations, stops and other places suitable for traffic control,

c) operation of train services (inclusive of the use of equipments needed and handling and forwarding of data),

d) appropriate and safe operation and use of those set out in points b) and c).

5.1.1.2 Additional services

5.1.1.2.1 Additional services for all types of trains

a) access to and use of the services provided by the overhead line and power supply system (without traction current)

5.1.1.2.2 Additional services for passenger trains

Use of stations for stopping involves:

a) access to and use of track-infrastructure and other facilities of passenger stations, halts and stops,
b) use of passenger service facilities, buildings,
c) forwarding information through passenger information systems

Use of stations for reverse direction involves:

f) formation of passenger trains, storage of vehicles over a period less than 13 hours, usage of equipments of the infrastructure manager for pre-heating and water supply, as well as ensuring station staff to carry out shunting activities in stations and periods listed in Appendix 3.16.

Services provided upon special request in stations where trains reverse direction:

g) shunting of passenger trains

5.1.1.2.3 Additional services for freight trains and wagons

Services related to freight trains

Use of origine/destination station
This service comprises the access to tracks and facilities of origin/destination station *(usage of track and technical equipments attached including shunting facilities used by train and detached/inserted wagons*), use of traffic activities on stations (traffic management, traffic control, registration of data of train operation, providing information on running of train), carrying out infrastructure management activities for handling journey report, running schedule and annexes to them, as well as carrying out traffic activities required for splitting up and formation of trains in order to detach wagons from and insert wagons into trains and traffic activities necessary to the access.

This service does not contain ensuring of shunting locomotives, driving crew, station shunting crew and traction surrent ordered from the infrastructure manager.

Use of intermediate station
This service comprises the access to railway track and facilities belonging to station (usage of track and attached technical and engineering equipments used by the train and wagons detached/inserted), use of traffic activities at stations (traffic management, traffic control, registration of data of train operation, providing information on running of train), carrying out infrastructure management activities for handling journey report, running schedule and annexes to them.

This service does not contain ensuring of shunting locomotives, driving crew, station shunting crew and traction current ordered from the infrastructure manager.

Services related to freight wagons

Use of stations for serving
Station: in this paragraph the definition of station has an expended meaning in respect of services provided upon payment of charges. Station also comprises the area of the station and the attached industry sidings, traction sidings, operational tracks and loading sidings outside of the area of the station.

This service contains access of local wagons to public loading sidings, service and operational sidings, loading places, traction sidings, connecting tracks to freight terminals, technical and engineering equipments for serving purposes, as well as contains traffic activities required to access.

This service does not contain ensuring of shunting locomotives, driving crew, station shunting crew and traction current ordered from the infrastructure manager.

Shunting

Shunting to access to service facilities

This service comprises the forwarding (serving) of local wagons - with shunting locomotive ordered from the IM (including traction current) and driving crew – to public loading sidings, industry and operational sidings, loading places, traction sidings, freight terminals (forwarding on connecting tracks and facilities), technical and engineering equipments, as well as ensuring station shunting crew.
This service also contains the performance of traffic activity needed for shunting.

Shunting for marshalling purposes

This service comprises splitting up and formations of trains consisting of local or transit wagons on station (marshalling yards, technical and engineering equipments of shunting at stations) with ensuring shunting locomotive (including traction current) and driving crew.
This service contains the performance of traffic activity needed for shunting and also the ensuring of station shunting crew.

Shunting carried out by the railway undertaking to access to service facilities

This service comprises the forwarding (serving) of local wagons – without ensuring the shunting locomotive, traction current and driving crew of th IM– to public loading sidings, industry and operational sidings, loading places, traction sidings, freight terminals (forwarding on connecting tracks and facilities), to technical and engineering equipments, (serving, and detaching of wagons from or inserting of wagons to trains at intermediate stations) as well as ensuring station shunting crew.
This service also contains the performance of traffic activity needed for shunting.

5.1.1.2.4 Additional services for freight trains

Forwarding of wagons in train loaded with dangerous goods

As dangerous goods can be considered materials and objects qualified as dangerous goods by the (RID) Regulation on transportation of dangerous goods in the international railway traffic and SMGS Agreement on the international railway transport, Appendix 2 (Regulation on the transportation of dangerous goods).

In respect of additional services provided by the infrastructure manager a wagon

a) equipped with a ‘explosion-risky’ label (RID and SMGS Appendix 2, Class 1)
b) equipped with a ‘radioactive materials’ label (RID and SMGS Appendix 2, Class 7)
c) equipped with more than one hazardous goods label

shall be qualified as ‘wagon loaded by dangerous goods’.

Should any wagon of the train contains dangerous goods, the train shall be considered as a train transporting dangerous goods irrespective of the owner(s) of the wagon(s).

Additional service in the case of transport of exceptional goods in normal trains

Exceptional consignments are consignments where the size, mass or characteristics of consignments can make -owing to the railway equipment or wagons - special difficulties even if only to one of the railways concerned by the transport. For this reason the forwarding of those consignments are allowed only under special technical or traffic conditions. Should any wagon of a train transport exceptional consignment (irrespective of the owner(s) of the wagons), the train shall be considered as a train carrying exceptional consignment.

a) exceptional consignments transported on the basis of a general validity transport licence for standard sizes,
b) exceptional consignment transported on the basis of an individual transport licence.

5.1.2 Other services provided by the infrastructure manager

Availability of duty offices, equipments, station and open lines areas

Should the railway undertaking use also other facilities to access to the railway infrastructure, only special commercials conditions relating to the use of the place made available shall apply to the facilities, unless otherwise provided in the track access contract.

Storage of vehicles

Railway undertaking shall pay a storage fee after vehicles standing more than 24 hours on the tracks of the network. Exceptions can be made in the following cases:

- wagons awaiting loading or unloading (stoppage of local wagons for less than 120 hours),
- stoppage of passenger wagons at stations for reversing direction and at other stations for less than 120 hours,
- wagons waiting in as a consequence of traffic congestions or exceptional events.

Suspension of operation break, service interruption and service stoppage

The suspension of an operation break, service interruption, service stoppage on the open lines and stations is possible only by refunding extra costs incurred set in a special agreement. Infrastructure manager cannot be obliged to suspend operation break, service interruption and service stoppage at stations. The special agreement is an annex to the track access contract.

The availability of the infrastructure manager in time and on places other than published in Appendix 3.16 to this Network Statement shall be specially applied for by the railway undertaking (in ad hoc train path request 7 days prior to the day of train run).

Regarding this application conditions and charges of availability shall be laid down in a special agreement between the railway undertaking and the infrastructure manager.

Supply of traction current

If the railway undertaking uses the railway infrastructure with a locomotive in his own operation, he is obliged to refund the costs of traction current consumed.

As traction current consumed shall be considered

- the quantity of the electric power consumed through the pantograph of the locomotive, and
- plus the amount of the average loss of the mains (9,33%).

Traction current consumed shall be defined as the multiplication of the average per unit traction current consumptions characteristic for the type of locomotive and for the type of traction (KWh/tkm) with the performance data of traction registered in the journey report (tkm).

The average per unit traction current consumptions characteristic for types of locomotives and for types of traction shall be a compulsory annex to the track access contract.

Refuelling, purchasing of fuel for traction
If the railway undertaking uses the railway infrastructure by a diesel locomotive in his own operation he can obtain fuel from the refuelling stations of the railway operated by the Company Service of the MÁV, the places of which are listed in Appendix 3.17. For the sake of environment protection other ways of refuelling to locomotives are not allowed.

Train acceptance activity
If the railway undertaking, in order to meet his obligation set out in point 2.4.3 demands, train acceptance can be ordered from the infrastructure manager. Infrastructure manager is not obliged to supply that activity.

Information on train movements
On request of railway undertakings infrastructure manager may deliver data on the effective movements of trains.

5.2 Services provided by the Infrastructure Business Unit of GySEV

5.2.1 General information

Services provided by the Infrastructure Business Unit of GySEV shall be offered for all licensed railway undertakings under the same conditions. Basic services (minimum access package) are available against payment of track access charge. Additional services must be provided to railway undertakings at the same price. Methodology for determining track access charges must be laid down in a special cost-accounting regulation approved by the Ministry of Economic and Transport (GKM) and the Ministry of Finance (PM).

5.2.2 Basic services (minimum access package)

granting of train path (reservation)

a) handling of requests for train path, allocation of train path, right to use train path allocated, ensuring alternative route in the event of disturbance/accident,

Running of trains

b) access to and use of open lines, running tracks, points, junctions of stations, engineering structures, services provided by control command and signalling equipments,

c) operation of train services (inclusive of the use of equipments needed and handling and forwarding of data),

Use of stations

Includes the use of the passenger transport infrastructures of stations:

d) use of station platforms, buildings, including other equipments which serve passenger transport,

e) acoustic and/or visual passenger information on trains arriving, departing or stopping at station, inclusive of information on delays and also information on special events.

f) appropriate and safe operation and use of those set out in previous points.

5.2.3 Additional services

5.2.3.1 Use of catenaries

a) use of the catenaries and power supply systems (its fee are covered by the fee for running of trains)

5.2.3.2 Shunting activities

Shunting crew may be at disposal depending on their availability.

In accounting aspects this service contains:

a) Handling of trains: coupling, decoupling of traction vehicle, splitting up of trains, division of a train, with the exception of intermediate handling of shunting freight trains. Multiple handling of train during its stop at station is considered as one handling only in the account. This service does not imply traction service.

b) Serving of wagons, cars: supply of wagons, cars on loading, washing, connecting, workshop or storage sidings according to the agreement. This service does not imply traction services.

5.2.3.3 Storage of vehicles

For vehicles standing more than 24 hours on the tracks of the network storage fee must be paid. Exceptions can be made in the following cases:

a) wagons awaiting loading or unloading

b) wagons standing at stations, halts beyond operation hours,

- wagons and cars waiting in the consequence of traffic congestions.

5.2.3.4 Other services

a) traction current: purchase is available at daily price for vehicles equipped with authenticated meters. The position of the meter shall be documented at entry to the network and at leaving of the network
b) diesel oil: refuelling is available to locomotives equipped with refuelling connector meeting TODO or MÁV standards in Sopron.

Regarding further services - including other services beyond the activities provided by the infrastructure manager – please contact the Customer Service Office of GySEV Rt
Tel.: + 36 99 517351
e.mail: palyavasut@gysev.hu

CHAPTER 6

CHARGES (TARIFFS)

Introduction

This chapter contains principles and procedures of determining and levying of charges for the use of the railway infrastructure, as well as method for calculating charges. Charging system for the use of the railway infrastructure applies to basic, additional and ancillary services requested by railway undertakings for the use of railway tracks and accessories.

The Railway Act, the Joint Decree of the Minister of Economy and Transport and the Minister of Finance No. 66/2003 (X.21.) GKM-PM on the charge for the use of the railway infrastructure and on the charging principles and the Network Statement shall apply to charging; in the case of complaints against the track access fee the general rules of the civil code are applicable.

On special request of railway undertakings VPE shall justify that infrastructure charges actually invoiced comply with the conditions laid down in the Network Statement and the cost-accounting regulation.

6.1 Charges (tariffs) applied by the Infrastructure Business Unit of MÁV Rt

6.1.1 Charging system

6.1.1.1 Charging principles

The charging system for the use of the railway infrastructure applied by MÁV Rt. is a two-component system (it is the sum of the basic charge for the use of the railway infrastructure and the charges of additional services used). Basic charge for the use of the railway infrastructure consists of only a variable, performance-depending part, which consists of two performance-elements, number of trains operated and train kilometres run.

In the charging system for the use of the railway infrastructure non-discriminatory charges shall be published to the different railway undertakings providing services of equal nature in comparable segments of the transport market.

The basic charge for the use of the railway infrastructure and service charges shall be determined on the basis of averaging the train traffic performed over one calendar year.

Railway undertakings need not pay environmental mark-ups for infrastructure sections and train traffic modes qualified as harmful to environment.

Train path requests, submitted 5 weeks prior to the annual timetable modification entering into force calculated from the day of entering into force, shall be considered as annual train path request until the deadline defined in Appendix 4.4 point a), as well as until the deadline defined in Appendix 4.4 point b).

6.1.1.2 Mode of determination of charge for the use of the railway infrastructure for services provided to railway undertakings

Services provided to railway undertakings on payment of charge are listed in point 5.1.1.

6.1.1.2.1 Charges to be paid for basic services

Services provided on payment of the basic charge for the use of the railway infrastructure can be found under point 5.1.1.1. Charges can be seen in Annex 6.1.
The basic charge for the use of the railway infrastructure does not include traction service, technical inspection of rolling stocks, and ensuring of shunting personnel.
The basic charge for the use of the railway infrastructure consists of two components: charge for granting train path and charge for running of trains.

6.1.1.2.1.1 Charge for granting train path (reservation fee)

The charge for granting train path (reservation fee) shall be levied for services listed in point 5.1.1.1 a) (handling of requests for train path, allocation of train path, right to use train path allocated, ensuring alternative routes in the event of disturbance/accident).
The fee for granting trains path (reservation fee) shall be charged in 5 line categories (published in HUF/train measure unit):

Passenger trains
- long distance train
- local train
- empty trains

Freight trains
Light engines (loco run, test train, examination train, workshop run).

If a railway undertaking requests a train path from the pre-constructed (free) train paths of the infrastructure manager and submits his application to VPE until 15.00 hours on the fourth day before the planned run of the train at the latest, he is obliged to pay the fee of granting train path (reservation fee) defined in Appendix 6.1. This rule applies exclusively to the pre-constructed train paths of the infrastructure manager. If the railway undertaking requests an ad hoc train path after that deadline or requests a train path which is not contained by the train path catalogue, he will be charged the double sum of the fee for granting train path (reservation fee) defined in Appendix 6.1.

Railway undertaking shall pay cancellation fee for train path applied, allocated but not used. If train path allocated will not be used for train run, the owner of the train path shall cancel it at VPE. Cancellation fees are as follows:

a) railway undertaking shall not pay cancellation fee if he cancels his train path until 15.00 hours on the fourth day before his train run, or if his train fails to run due to vis maior or other exceptional events.

b) The cancellation fee will correspond to the reservation fee if the railway undertaking cancels his train path after 15.00 hours on the fourth day but within 36 hours before the day of his train running.
c) The cancellation fee shall be twice as much as the reservation fee, if the railway undertaking fails to cancel his not used train path within 36 hours after the scheduled date of the train run.

6.1.1.2.1.2 Charge for running of trains

The fee for running of trains shall be charged for services listed in points 5.1.1.1. b) and c) on the basis of train kilometre run taking into account the service parameters ensured for the various network elements.

The charge for running of trains (published in HUF/train km measure unit) shall be charged in 3 line categories (high level, standard, regional) and in 5 train categories:

Passenger trains
- long distance train
- local train
- empty train

freight train
light engine

Charge for running of light engine does not depend on the type of the line the train runs, it depends only on train km performance carried out by the locomotive.
The categorisation system of the individual network elements (lines/line sections, stations) is different regarding passenger and freight traffic that is the reason why individual lines have different categories for passenger or freight trains.
Categorisation of lines for passenger trains (long distance passenger train, local passenger train, empty train) can be seen in Appendix 6.1, for freight trains in Appendix 6.2. Categorisation of the individual train types can be found in Appendix 6.3.

6.1.1.2.2 Charges to be paid for additional services

6.1.1.2.2.1 Fee for the use of the catenaries

For services listed in point 5.1.1.2.1 a fee for the use of catenaries shall be charged to passenger and freight trains as well as to light engines and empty trains (published in HUF/electric train kilometre measure unit). The fee for the use of catenaries does not cover the price of the traction current. Fee for the use of catenaries can be seen in Annex 6.4.

6.1.1.2.2.2 Charges for additional services provided for long distance and local passenger trains

Charges of additional services for passenger trains can be found in Annex 6.2.

Use of stations for stopping

On payment of stopping fee (published in HUF/stopping measure unit) infrastructure manager shall ensure access to the infrastructures and other facilities of stations, halts and stops, and also ensures for passengers the use of serving facilities, buildings, and provides them with information through its passenger information systems.

Use of stations for reversing direction: For passenger trains on orogin and destination stations on payment of charge for access to station where trains reverse direction (published in HUF/reversing direction measure unit) infrastructure manager shall ensure the formation of passenger trains, storage of train sets (coaches) for less than 13 hours if the technology of reversing train sets requires, use of deployed equipments of the infrastructure manager necessary to water supply, as well as ensuring shunting crew on stations and in periods listed in Appendix 3.16. Fee shall be charged in three station categories taking into account the nature of services provided at stations and passenger stations.

Fee of shunting on stations where trains reverse directions (on special request): For passenger trains outside of stations and periods listed in Appendix 3.16, infrastructure manager shall ensure station shunting crew on payment of the fee of shunting on station where trains reverse direction (published in HUF/reversing direction measure unit). Fee shall be charged in three station categories taking into account the nature of services provided at stations and passenger stations.

For empty trains and light engines fee for the use of stations for stopping shall not be charged. For empty trains fee for the use of stations for reversing direction shall be charged.

6.1.1.2.2.3 Charges for additional services provided to freight trains and freight wagons

6.1.1.2.2.3.1 Amount of charges of additional services

Charges for additional services of freight trains are shown in Annex 6.3.

Charges for the use of stations in the case of freight trains (HUF/case, in 3 station categories)

Fee for the use of stations shall be charged in the following cases:

- use of origin/destination stations: relating to the train path allocated a rate corresponding with the station category of the first/last station of the actual train path shall be charged in every case,
- use of an intermediate station: at an intermediate station in the event of
    - detaching of wagons from trains,
    - insert of wagons into a train,
    - reversing of the sequence of vehicles (traction unit go-around),
    - exchange of locomotive

a rate in accordance with the category of station in question shall be charged. Even if more of the events listed above occur at an intermediate station fee for the use of an intermediate station shall only be charged once.

Charges for the use of stations and service charges relating to freight trains

Charges for the use of stations for serving of freight wagons (HUF/wagons, 3 station categories). A rate shall be charged which is in compliance with the category of station (as well as attaching service sidings, loading places, equipment to be served) in question. This is an access-fee-like rate to local wagons.
In 2006, if wagons will be accepted and handled over not at an interchange border station (from the infrastructure manager's point of view, special interchange station) they shall be considered as local wagons and a rate applying to local wagons shall be charged.

Charge of shunting for marshalling purposes, charge of shunting for serving purposes (HUF/wagon, the fee is independent of the category of the station)
Shunting fee shall be charged in the following events:

- shunting for serving purposes,
- shunting for marshalling purposes.

In every case shunting will be performed with the use of shunting locomotive, driving crew and station shunting crew requested from the infrastructure manager.

In 2006, if wagons will be accepted and handled over not at an interchange border station (from the infrastructure manager's point of view, special interchange station) they shall be considered as local wagons and a rate applying to local wagons shall be charged.

Charge of shunting for serving purposes carried out by RU (HUF/wagon, the fee is independent of the category of the station)
Shunting will be performed with the use of locomotive of the railway undertaking of his own (not by a locomotive requested from the infrastructure manager) and with the use of station shunting crew.

Railway undertakings are not allowed to carry out shunting for marshalling purposes by locomotive of their own.
The use of the station shunting crew for serving purposes is compulsory in every case when the railway undertaking performs shunting activities with his own locomotives and driving crew, and if – as a consequence of the conditions of the station or the technology of the serving activity – shunting is not allowed without the use of the station shunting crew. Should a locomotive ordered from the infrastructure manager perform the shunting, ensuring of the station shunting crew shall be included in the shunting service.

6.1.1.2.2.3.2 Method of charging of additional service fees for freight trains

Method for charging of additional service fees for freight trains defined in point 5.1.1.2.3 can be found in Appendix 6.5.

6.1.1.2.3 Charges for ancillary services
Infrastructure manager shall not charge ancillary service fee to providing services defined in point 5.1.1.2.4. An exception of the above is exceptional consignment carried on the basis of an individual forwarding licence. The fee of forwarding exceptional consignments shall be charged by the infrastructure manager to the railway undertaking corresponding to the provisions of the track access contract.

6.1.2 Rate of charges

Track access fees are published in HUF (Hungarian Forint) and valid from 1 January 2006. Track access fees do not include VAT (value-added tax = ÁFA).

The charges for granting train paths in different train categories and the charges for running of trains in different line and train categories can be found in Annex 6.1. For passenger trains charges for stopping, for access to stations where trains reverse direction, for shunting at stations where trains reverse direction in different station categories can be seen in Annex 6.2. For freight trains charges for the use of origin/intermediate/destination stations and for the use of stations for serving purposes in different station categories as well as charges for shunting for serving and for marshalling purposes are listed in Annex 6.3.

Position of the individual stations, passenger stations, stops, marshalling yards on lines or sections of lines, categorisation of the individual locations regarding charges for the use of these locations for stopping, direction reversing purposes, as origin/intermediate/destination stations for freight trains, as well as for serving purposes can be found in Appendix 6.4. On those locations where in the service price category in Appendix 6.4 '0' stands, no fee shall be charged for the given additional service.

Categorisation of the individual stations, passenger stations and stops with regarding charges for access to stations where trains reverse direction, for shunting on station where trains reverse direction corresponds with the categorisation regarding charges for stopping.

Categorisation of the individual stations, marshalling yards, origin/intermediate/destination stations regarding charges for the use of the station corresponds with the categorisation regarding the charges for the use of station for serving purposes.

The charge to be paid for the storage of vehicles in cases listed in point 5.1.2 shall be HUF 400/vehicle/day.

If the applicant orders the storage of the vehicle for the entire timetable year, the charge to be paid shall be HUF 250/vehicle/day.

The traction current and fuel for traction defined in point 5.1.2 shall be charged at a price published by MÁV. Corporate Services (MÁV. Társasági Szolgáltatás).
The charge of train acceptance defined in point 5.1.2 shall be HUF 2000/train acceptance.

6.1.3 Discounts

For nostalgia trains the basic fee of empty trains shall be charged.
Railway undertaking shall be granted a discount of 20% from the charge of running of train after every km run if they operate freight transit and international combined transport services. Relating freight transit and international combined transport services this discount may be used commonly or separated, however, the joint amount of the discount may not exceed 20%.

In the case of operating block train services from Eperjeske-átrakó to Dunaújváros and backwards, railway undertakings shall be granted 20% discount of the charge of running of trains after every km run.

6.1.4 Invoicing arrangements

It is the obligation of the infrastructure manager to collect charges.

Should he railway undertaking have annual train paths allocated, infrastructure manager - on the basis of train paths allocated and services requested - shall prepare an invoice three times in every month (on the 1st, 10th and 20th of the given month) covering 30% of the one month part of track access charge to be expected in a year in each invoice. On the basis of the actually used train paths and performances and the invoices previously prepared, infrastructure manager shall prepare a balance invoice according to the track access contract.

Should the railway undertaking not have annual train paths allocated, infrastructure manager shall invoice the fee to be paid by the railway undertaking on the basis of train paths actually used and performances according to the track access contract.

By acknowledging the invoice, railway company undertakes the obligation to pay the fee charged for the use of the railway infrastructure. Deadline for payment shall be set out in the track access contract on condition that the deadline of payment shall not cover a longer period than 30 days. In the event of a late payment a default interest corresponding to the double amount of the valid basic interest of the central bank (Hungarian National Bank) shall be charged.

In the case of applicants under the scope of Decree No. 34/2003. (V.28.) GKM-PM, the mode of invoicing charges is regulated by the provisions of that Decree.

Invoicing of the traction current shall take place monthly, within 10 days after the month of delivery. By acknowledging the invoice, railway company undertakes the obligation to pay the fee charged for traction current. The deadline for payment shall be set out in the track access contract on condition that the deadline of payment shall not be longer than 30 days. In the event of a late payment a default interest corresponding to the double amount of the valid basic interest of the central bank (Hungarian National Bank) shall be charged.

The price of the fuel purchased on the refuelling stations shall be invoiced itemized per purchase.

6.2 Charges used by the Infrastructure Business Unit of GySEV

6.2.1 Charging system

The charging system for the use of the railway infrastructure is based on the cost accounting regulation to be updated yearly and approved by the Minister of Economy and Transport and the Minister of Finance.

On special request, VPE shall justify that the infrastructure charges actually invoiced are in correspondence with conditions defined in the Network Statement and also with the cost accounting regulation.

In the charging system for the use of the railway infrastructure non-discriminatory charges shall be published for different railway undertakings providing services of equivalent nature in a comparable segment of the transport market.

VPE shall levy a cancellation charge for train path requested, allocated but not used, the amount of which shall correspond with the charge for granting train path (reservation charge). A reimbursement on the basis of quality parameters of the actually operated trains shall not apply.

For handling of ad hoc train path requests of the railway undertaking the double of the charge of granting train paths for annual timetable shall be applied.

VPE is obliged to publish any changes to the charging system at least three months before changes take place.

6.2.2 Rates of charges

VAT (value added tax= ÁFA) is not included in charges.

Charge for granting train path (reservation fee)
This fee is a fix sum defined per train categories.
Charges can be seen in Annex 6.5.
Categorisation of individual train types can be found in Appendix 6.1.

Charge for running of trains
This fee is to be paid on the basis of actual train runs. The calculation shall be made on the basis of the following formula:

Charge for running of trains (K) = train kilometres * A + ton kilometres * B

Values of the factors "A" and "B" can bee seen in Annex 6.5.

Charge for the use of stations
Fee to be paid after the number of stoppage of passenger trains at stations. Charges for the use of stations can be found in Annex 6.5.

For the categorisation of the individual stations see Appendix 6.4.

Charges for shunting
These fees are amounts charged for the performing of various shunting activities. The calculation shall be made with the formula below:

Charge for shunting (T) = Train handlings * C + served wagons * D

Values of the factors "C" and "D" are contained by Annex 6.5.

Charges for storage of vehicles

This is a fee which is to be paid in cases defined under title 'Storage of vehicles' in chapter 'Services'.

For every commenced 24 hours:

Charge-element	Amount	Measure unit
Charge for storage of vehicles	100	HUF/axle/day

6.2.3 Discounts

Railway undertakings shall be granted a discount of 20% from the charge of running of train after every km run if railway undertakings operate freight transit and international combined transport services. Relating freight transit and international combined transport services this discount may be used commonly or separated, however, the total amount of the discount may not exceed 20%.

6.2.4 Surcharges, mark-ups,

Forwarding of dangerous goods: no surcharge or mark-up shall be charged.

Forwarding of exceptional consignments: no surcharge or mark-up shall be charged.

The fee for forwarding exceptional consignments carried on the basis of an individual forwarding licence shall be charged by the infrastructure manager to the railway undertaking in accordance with the provisions of the track access contract.

Train path cancellation fee: in accordance with the track access contract.

6.2.5 Invoicing arrangements

Infrastructure manager operating railway infrastructure shall collect fees for the use of the railway infrastructure. Infrastructure manager shall invoice charges to the railway undertaking for the use of the railway infrastructure on the basis of train paths actually used and performances in the given month. Invoice shall be settled within 30 days commencing on the day of issuing the invoice. In the event of a late payment an interest of double of the sum of the basic interest of the central bank (Hungarian National Bank) shall be charged. Infrastructure Manager operating railway infrastructure shall not make an invoice to his own railway undertaking business unit, charges for the use of the railway infrastructure shall be arranged within an appropriate internal settlement.

In the case of applicants under the scope of the Decree No. 34/2003. (V:28.) GKM-PM, the mode of invoicing of charges is regulated by the provisions of that Decree.