



PKP POLSKIE LINIE KOLEJOWE S.A.

Zarządca narodowej sieci linii kolejowych

NETWORK STATEMENT 2020/2021

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Definitions of terms and acronyms used in the Network Statement

1. This Network Statement contains terms relating to the procedure of granting access to the railway infrastructure, which are defined in the applicable regulations, in particular the [Railway Transport Act of 28 March 2003](#) and related implementing regulations, including [Regulation enacted by Minister of Infrastructure and Construction as of 7 April 2017 on the procedure of granting access to the railway infrastructure](#).
2. The following definitions of the respective terms and acronyms apply to this Network Statement:
 - 1) **Applicant** - a railway undertaking, an international economic interest grouping of railway undertakings or another entity interested in gaining capacity, in particular a public rail transport operator, shipper, freight forwarder or combined transport operator [as defined under Art. 4 (9b) of the [Act](#)];
 - 2) **CID** (*Corridor Information Document*) – a document containing information on the conditions of use of the freight corridor, as defined under Article 18 of [Regulation \(EU\) No. 913/2010 of the European Parliament and of the Council of 22 September 2010 concerning a European rail network for competitive freight](#);
 - 3) **C-OSS** (*Corridor One-Stop Shop*) – a corridor-specific point for complex handling of applications concerning the capacity of the infrastructure, as defined under Article 13 of [Regulation \(EU\) No. 913/2010 of the European Parliament and of the Council of 22 September 2010 concerning a European rail network for competitive freight](#);
 - 4) **regular-interval timetable** – a timetable for a group of trains, as defined under § 2 (1) of the [Regulation](#);
 - 5) **working days** - all weekdays from Monday to Friday except public holidays;
 - 6) **IRJ** – an individual timetable, as defined under § 8 of the Regulation;
 - 7) **ISZTP** - the Internet-Based Train Path Allocation System “Zamawiaj i Jedź” - an application for the complex processing of applications for capacity allocation by applicants and railway undertakings;
 - 8) **PLK Catalogue** – a catalogue of train routes as prepared and provided based on the recurring demand for train route allocation for IRJ applications or at the request of applicants;
 - 9) **rail freight corridor** – a freight corridor, as defined under Article 2 (2) (a) of [Regulation \(EU\) No. 913/2010 of the European Parliament and of the Council of 22 September 2010 concerning a European rail network for competitive freight](#);

- 10) **conflict between submitted applications** – a situation when at least two applicants submitted applications for train path allocation (in accordance with the definition of train path in Article 4 (12) of the [Act](#)) for the same section of a railway line and the same period of time;
- 11) **coordination** – a process of solving conflicts between submitted applications for train path allocation through consultations between PLK and applicants;
- 12) **international timetabling conferences** – conferences aiming at establishing international train paths, organized by the FTE (Forum Train Europe), OSJD (Organisation for Co-operation between Railways) and RNE (RailNetEurope), and other conferences co-organized by PLK;
- 13) **timetable construction area** – an operational area of a timetabling unit set up by PLK;
- 14) **OCTOPUS** – a dedicated interface to the SKRJ system using the SOAP (*Simple Object Access Protocol*) communication protocol. In the interface, there is a passive part (SKRJ communication → railway undertaking) and an active part (railway undertaking communication → SKRJ);
- 15) **congestion period** – a part of the natural day, a natural day or several days, as determined by PLK, when the demand for capacity of a railway line or its section cannot be fully satisfied, including the train parameters requested by an applicant, even after a coordination procedure;
- 16) **PLK** - PKP Polskie Linie Kolejowe S.A. based in Warsaw;
- 17) **express train** – a domestic (EI) or international (EC, EN) passenger train with a maximum speed > 130km/h, linking agglomerations or tourist centres, which has no stops or only a few stops limited to large cities and important railway junctions, and includes a higher standard zone and a separate catering zone;
- 18) **non-commercial passenger train** - empty passenger depot, passenger train not performing passenger transport;
- 19) **international train** - a train which travels beyond the state border, except transboundary trains;
- 20) **interregional train** - a passenger train which goes beyond the region border other than a regional train;
- 21) **trans-boundary train** – a regional train travelling in the trans-boundary zone referred to in the [Public Collective Transport Act of 16 December 2010](#);
- 22) **regional train** - a passenger train operating within administrative boundaries of the province or travelling to the nearest station in the neighbouring province, enabling passengers transfer for further journey or technical train reversal; a return train or a train travelling to a station in the neighbouring province, located no more than 30 km from the provincial border, other than an inter-regional train;

- 23) **PLK staff** – employees of PLK and other people engaged by PLK to implement the Contract of Allocation, the Contract of Use or the Framework Agreement;
- 24) **railway undertaking's staff** – employees of a railway undertaking or other people engaged by the railway undertaking to implement the Contract of Use;
- 25) **President of UTK** - President of the Railway Transport Office (UTK),
- 26) **technical break** – a period of time defined by the railway infrastructure manager, during which the railway infrastructure is temporarily inaccessible to railway undertakings due to investment, modernization or regular maintenance works, or repairs;
- 27) **railway undertaking** – a railway undertaking as defined under Article 4 (9) of the [Act](#);
- 28) **occasional transport services** – occasional passenger transport services, as defined under Article 4 (22a) of the [Act](#), provided according to the available capacity;
- 29) **framework capacity** – capacity reserved under the Framework Agreement;
- 30) **time frame** – a period of time defined in the framework agreement, when framework capacity is reserved by PLK for a planned train path;
- 31) **Network Statement** – the present Network statement;
- 32) **train route** – a route travelled by train between the scheduled starting point and the destination, where the starting point of the train route must not be the same as the destination;
- 33) **Regulation** - [Regulation enacted by Minister of Infrastructure and Construction as of 7 April 2017 on the procedure of granting access to the railway infrastructure](#);
- 34) **RRJ** – an annual timetable, as defined under Article 29f of the [Act](#);
- 35) **SEPE** - Operational Work Record System;
- 36) **SID** – IT System for Detection of Rolling Stock Emergencies and Failures;
- 37) **rail network** - a system of interconnected railroads managed by an infrastructure manager;
- 38) **SKRJ** – Timetable Development System;
- 39) **train timetable study** – a proposal of a timetable, which provides no basis for the train travel and contains only preliminary information about the train path and the travel duration to estimate the related costs;
- 40) **crisis situation** – a situation resulting from a threat and leading to disturbances in the operation and transport process carried out on railway lines managed by PLK and in buildings and structures intended to serve persons and goods of local, regional, national (network-wide), international range, as a result of which there is a breach of railway traffic safety rules, exposure of health and/or human life to danger and there are material losses and/or damage to the natural environment.

The crisis situation may result in particular from the following threats:

- a) terrorist – an attack on railway infrastructure facilities, damage or destruction of such facilities, causing contamination of railway facilities, environment, etc.,
 - b) natural – including natural disasters (floods, fires, strong winds, heavy precipitation, lightning, seismic shocks, landslides, etc.),
 - c) technical – potentially dangerous events or situations within the meaning of the Ir-8 Railroad Accident, Incidents and Incidents Manual, failures of power networks, failures of communication systems, failures of computer systems, etc.,
 - d) social – protests, strikes, blockades, mass events, etc,
 - e) political – consisting in the intensification of activities of organised social groups (formal and informal) which make it impossible for the state to fulfil its main functions, but which do not result in the imposition in the territory of the Republic of Poland or its part, of one of the states of emergency or states of crisis or war defence preparedness. Such threats may result from non-observance of international agreements and law, lack of readiness for international cooperation, development of aggressive ideologies, change of borders in the state surrounding, opposition to stabilization and integration tendencies in the region, existence of secessionist groups in the state and their aspirations for autonomy, anti-national policy of other states, intimidation of states, etc.
 - f) organisational – resulting from incorrect organisation of work or incorrect organisation and performance of duties by railway undertakings;
- 41) **emergency situation** – a situation resulting from a sudden event creating disturbance or risk of disturbance of the operation process on PLK lines and independent of the will of the parties to the Contract of use – which renders it impossible to perform obligations hereunder, and which could not have been prevented by neither of the parties to the contract, having exercised due diligence.

Causes of the emergency situation may include:

- a) introduction of a state of emergency (a state of natural disaster, a state of martial law) in the whole country or in its part, a state of epidemic threat or a state of epidemic, or other events resulting from a decision of public authorities (governmental or local government administration), resulting in changes in the operation process;
- b) threat of a terrorist attack;
- c) as a result of natural causes, e.g. floods, fires, strong winds, windstorms, landslides, prolonged precipitation, lightning;
- d) other unforeseen events, such as:
 - bystanders being hit by a vehicle;
 - collisions with animals or animals entering the road verge;

- social protests;
 - failure of external power grid or external telecommunications networks, etc.
- 42) **potentially dangerous situation** – an operational situation or a railway event which is neither a serious event, an accident or an incident and causes a slight increase of the risk – up to the level of controlled risk which does not exceed the level of acceptable risk as defined in the Instruction Ir-8;
- 43) **single-network train path** – a train path which does not go beyond one rail network;
- 44) **international train path** – a train path which runs through more than one rail network and goes beyond the Polish border;
- 45) **multi-network train path** – a train path which runs through more than one rail network and does not go beyond the Polish border;
- 46) **reference path** – a template specifying the expected train running times, developed in preparation for the construction of a new annual timetable;
- 47) **Contract for Allocation** – a contract for capacity allocation referred to in Article 29d of the [Act](#), which is concluded with an applicant in writing, otherwise null and void;
- 48) **Contract of Use** – a contract for capacity use referred to in Article 30c of the [Act](#), which is concluded with a railway undertaking in writing, otherwise null and void;
- 49) **Framework Agreement** – a contract for the reservation of railway network capacity for a period extending beyond the duration of RRJ (as defined in Article 4 (9)(c) of the [Act](#)), concluded with the applicant in writing under pain of nullity;
- 50) **Act** - the [Railway Transport Act of 28 March 2003](#);
- 51) **competent authorities** - public authorities or a group of public authorities in a Member State or Member States, which are entitled to interfere in the public passenger transport in a specific geographical area or a body having such powers – as defined in [Regulation \(EC\) No. 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations \(EEC\) No. 1191/69 and 1107/70](#);
- 52) **WRJ** – an internal timetable for use by employees of PLK and railway undertakings;
- 53) **international pre-arranged train path** - a train path, as defined in Article 14 (3) of [Regulation \(EU\) No. 913/2010 of the European Parliament and of the Council of 22 September 2010 concerning a European rail network for competitive freight](#);
- 54) **traffic diagram** – a graphical representation of a train timetable by mapping train paths in the form of graphs of position versus time;

- 55) **crisis management team** – an element of the railway crisis management system, which is established within PLK's structures;
- 56) **ZRJ** – an alternative train timetable prepared as a timetable update due to planned investments, repairs or maintenance works, without taking into account applications for train path allocation.

1. GENERAL

1.1. Introduction

1. By decision of the Regional Court for the Capital City of Warsaw in Warsaw of 21 August 2001 (13th Business Division of the National Court Register), PKP Polskie Linie Kolejowe S.A. was registered and entered into the Register of Entrepreneurs under the KRS number 0000037568 - registration of 22 August 2001.
2. PLK operates - performing the role of the railway infrastructure manager of the railway network under its administration - in accordance with its bylaws, the [Railway Transport Act of 28 March 2003](#), the [Code of Commercial Partnerships and Companies Act of 15 September 2000](#), the [Commercialization, Restructuring and Privatization of the State-Owned Company 'Polskie Koleje Państwowe'](#) and other regulations.
3. PLK holds a safety authorization No. PL/31/0015/0010 valid from 30 December 2015 to 30 December 2020¹.

1.2. Objective

The Network Statement have been developed in order to define rules of cooperation and requirements for providing access to railway infrastructure managed by PLK, applicable to all applicants and railway undertakings.

1.3. Legal framework

The essential legal requirements for rail transport, including the requirements for granting access to the railway infrastructure, are set down in the Act, related implementing regulations and other generally applicable rules of law, including those underlying business relations between business operators.

1.4. Legal status

1.4.1. General remarks

1. This Network Statement has been developed in accordance with Article 32 of the [Act](#) and § 27 of the [Regulation](#).
2. The draft Network Statement is consulted with applicants in accordance with § 27 (3) of the [Regulation](#). The results of such consultations are discussed by the Advisory Board of Railway Undertakings affiliated with the Management Board of PLK.

¹ Information concerning the security authorization valid for the subsequent 5 years, will be supplemented after it is issued by the President of UTK.

A summary of comments submitted, including a description of how they were taken into account and a statement of reasons for rejected comments, can be accessed via PLK's website.

3. The Network Statement is approved for use by resolution of the Management Board of PLK.

1.4.2. Liability

1. PLK is responsible for information published in the Network Statement, monitors its correctness and updates it as at the date of publication of the related changes.
2. PLK assumes no responsibility for any information published by third parties via websites indicated in the Network Statement, including information provided by other railway infrastructure managers and operators of service facilities.

1.4.3. Appeal procedure

Complaints and applications concerning PLK's activity are accepted and considered by all organisational units of PLK, according to their area of activity.

In terms of matters related to the provision of railway infrastructure - in accordance with the Contract of Allocation or the Contract of Use.

1.5. Structure of the Network Statement

This Network Statement consists of parts:

- 1) narrative - describing e.g. conditions of obtaining access to the railway infrastructure, granting railway capacity, using the capacity allocated, types of available services and information on fees;
- 2) annexes - containing e.g. a description of the railway network, lists of organizational units referred to in the narrative part of the Network Statement, templates of documents, a list of internal regulations applicable to applicants/railway undertakings, schedules of track possessions, PLK's contact details.

1.6. Validity and updating process

1.6.1. Validity period

The Network Statement shall apply to applications for capacity and to the use of allocated capacity within the framework of the 2020/2021 timetable valid from 13 December 2020 to 11 December 2021.

1.6.2. Updating process

1. Amendments to the descriptive section of the Network Statement are made after prior consultation with applicants. The amendments become effective within 10 days from the date of their implementation.

2. The amendments referred to in **Annex 5.1** are made no later than the date of entry into force of the annual train timetable.
3. Amendments to **Annex 5.3** may be introduced before the start of the deadline for submission of applications to RRJ. Amendments resulting in an increase in the capacity made available may be introduced outside the said deadline.
4. The amendments due to changes in the generally applicable rules of law are made in accordance with the time limits prescribed therein.
5. PLK updates the data in the Annexes describing the railway infrastructure, which relate to the development of train timetable, at the latest before the deadline of sending of the draft ZRJ included in **Annex 5.2**.
6. PLK updates the other appendices as necessary.
7. The applicants are consulted, as referred to in subsection 1.4.1. and section 1 above, via electronic mail. E-mail addresses for correspondence regarding the Network Statement should be sent to regulamin@plk-sa.pl.
8. Applicants can submit comments by e-mail within 14 calendar days from the date of receipt of information about publication of amendments to the draft on the PLK's website.

1.7. Publishing

1. The full text of the Statement along with the attachments is published on the website www.plk-sa.pl in tab: *Dla klientów i kontrahentów / Warunki udostępnienia infrastruktury i regulaminy / Regulaminy sieci* and in English on the website en.plk-sa.pl in tab: *For customers and partners / The rules for allocating train paths*.

In case of discrepancies or difficulties of interpretation between the language versions, the Polish version shall prevail.

2. PLK informs applicants of the publication of the Network Statement, any related changes and updates by e-mail, provided that the applicants submit their e-mail addresses to the address indicated in subsection 1.8. (5).
3. Updates to the Annexes describing the railway infrastructure are published in the form of a comparison with the previous version.

1.8. Contacts

1. The contact details of PLK's employees providing detailed information regarding technical and operational parameters of railway lines, operating control points and forwarding points, as well as information on the safety of rail transport of dangerous goods are included in **Annex 4.1**.
2. The contact details of PLK's regional Railway Police (SOK) units are provided in **Annex 4.2**.
3. The contact details of PLK's Railway Traffic Management Centre units are provided in **Annex 4.3**.

4. The contact details of PLK's organizational units are given in the related sections of the Network Statement.
5. All and any comments and queries concerning the Network Statement should be sent to:

PKP Polskie Linie Kolejowe S.A.

Biuro Sprzedaży

03-734 Warszawa, ul. Targowa 74

e-mail: regulamin@plk-sa.pl

tel.: (00 48) 22 473 30 80; railway tel.: (922) 473 30 80

municipal fax: (00 48) 22 473 28 04; railway fax: (922) 473 28 04

1.9. Railway freight corridors

1. Three international rail freight corridors (RFCs), set up in accordance with [Regulation \(EU\) No. 913/2010 of the European Parliament and of the Council of 22 September 2010 concerning a European rail network for competitive freight](#), pass through the railway network managed by PLK:
 - 1) **Freight corridor No. 5: Baltic Sea – Adriatic Sea (RFC5):**
Świnoujście / Gdynia – Katowice – Ostrava / Žilina – Bratislava / Vienna - / Klagenfurt – Udine - (Venice – Bologna / Ravenna) / Trieste / - Graz – Maribor – Ljubljana – Koper / Trieste;
 - 2) **Freight corridor No. 8: North Sea – Baltic Sea (RFC8):**
Wilhelmshaven / Bremerhaven / Hamburg / Amsterdam / Rotterdam / Antwerp – Aachen – Hannover / Berlin – Warsaw - Terespol (Poland-Belarus border) / Kaunas – Riga – Tallinn / Falkenberg – Praha / Wrocław – Katowice – Medyka (Poland-Ukraine border)²;
 - 3) **Amber Rail Freight Corridor No. 11:**
Koper — Ljubljana / Zalaszentiván — Sopron / Csorna / (Hungarian-Serbian border) — Kelebia — Budapest / Komárom — Leopoldov / Rajka — Bratislava — Žilina — Katowice / Kraków — Warszawa / Łuków — Terespol — (Polish-Belarusian border).

A list of railway lines included in the above European freight corridors is provided in **Annex 2.17**.

2. The conditions determining the use of rail freight corridors are included in CID documents. Detailed information concerning the offer, including pre-arranged international train routes, reserve capacity and CID documents, are published in English on the websites:

www.rfc5.it

www.rfc8.eu

www.rfc-amber.eu

² Extending RFC8 to Medyka is planned to realisation no sooner than in 2021/2022 timetable.

1.10. RailNetEurope – International cooperation between infrastructure managers

1. Information on international cooperation between railway infrastructure managers of the RNE members is published in English at:

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

2. English versions of the network statements issued by other RNE members can be accessed at:

<http://www.rne.eu/organisation/network-statements/>

1.10.1. One Stop Shop (OSS)

OSS (One Stop Shop) operated as part of the international network OSS – RailNetEurope

**PKP Polskie Linie Kolejowe S.A.
Centrum Zarządzania Ruchem Kolejowym
One Stop Shop**

03-734 Warszawa, ul. Targowa 74

e-mail: oss@plk-sa.pl

tel.: (00 48) 22 473 34 69; railway tel.: (922) 473 34 69

municipal fax: (00 48) 22 473 23 59; railway fax: (922) 473 23 59

Working hours: 7:30 a.m. - 3:30 p.m. Monday through Friday
(except public holidays)

Information on the network of One Stop Shop (OSS) units

One Stop Shop operated by PLK supervises the process of arranging international transits according to the IRJ and in close coordination with other OSS units, especially those operated by managers of the adjacent infrastructure, and provides information about:

- 1) about products and services offered by infrastructure managers;
- 2) conditions to be met for gaining access to the infrastructure of any infrastructure managers – the RNE members;
- 3) on fees for granting access to infrastructure, which are charged by infrastructure managers - members of the RNE.

A list of OSS contact points and detailed information on RNE IT tools are available at:

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

Contact details of foreign OSS units are published in English at:

<http://www.rne.eu/organisation/oss-c-oss/>

1.10.2. RNE tools

The essential IT tools of the RNE:

- 1) PCS – Path Coordination System – system of coordination of train paths:

<http://pcs.rne.eu/>

- 2) CIS – Charging Information System – system of information on fees:

<http://cis.rne.eu/>

- 3) TIS – Train Information System – system of information on trains:

<http://tis.rne.eu/>

For more information on functionalities of the individual tools, visit the websites indicated in the above table.

2. ACCESS CONDITIONS

2.1. Introduction

Chapter 2 specifies the terms and conditions for granting access to the 1435 mm track gauge railway infrastructure managed by PLK. These terms and conditions also apply to the sections of rail freight corridors running through the railway infrastructure managed by PLK.

2.2. General access requirements

The conditions for granting access have been developed based on the [Act](#) and the [Regulation](#).

2.2.1. Conditions for applying for capacity

1. The applicant shall acquire the right to apply for capacity after the conclusion of the Contract of Allocation. Detailed information about conclusion of the Contract of Allocation regulates subchapter 2.3.1 and 2.3.2.
2. Applications for capacity allocations are submitted and examined in accordance with the rules specified in subsections 4.1. - 4.4.
3. The capacity allocated to an applicant cannot be transferred to another applicant.
4. The capacity allocated to the applicant cannot be used for any other types of transport services than those indicated in the application for capacity allocation.
5. Applicants other than railway undertakings cannot indicate different railway undertakings entitled to use the capacity allocated based on the individual applications. The applicant is required to designate one railway undertaking per application for capacity allocation.
6. Applicants other than railway undertakings cannot indicate other railway undertakings to use the capacity allocated to the applicant.
7. The conditions for submitting applications relating to the RFC corridors are specified in Chapter 4.

2.2.2. Conditions for access to the railway infrastructure

1. The PLK's railway infrastructure can only be used by railway undertaking if a Contract of Use is in place.
2. Prior to the conclusion of the Contract of Use, the railway undertaking shall be obliged to submit to PLK the following documents in Polish or in a certified translation of the originals into Polish:
 - 1) a certified copy of a valid licence referred to in Article 43 of the [Act](#);
 - 2) a certified copy of a valid safety certificate referred to in Article 18b of the [Act](#);
 - 3) a declaration that transport operations will be performed with the use of rolling stock which meets the requirements of the [Regulation enacted by](#)

[Minister of Infrastructure on 12 October 2005 on general technical conditions for operation of railway vehicles;](#)

- 4) a declaration that it will provide information to PLK on changes, suspensions or withdrawals relating to the licence and/or safety certificate in place;
to the following address:

PKP Polskie Linie Kolejowe S.A.

Biuro Sprzedaży

03-734 Warszawa, ul. Targowa 74

e-mail: ius@plk-sa.pl

3. Before concluding a Contract of Use in reference to the 2020/2021 timetable, a railway undertaking which provided PLK with the documents referred to in section 2 in relation to previous train timetables, and such documents have not expired in relation to the 2020/2021 timetable, is allowed to provide PLK with a declaration that the documents referred to in section 2 are valid and effective. In the event that these documents are changed, the provisions of section 2 apply.

2.2.3. Licences

The competent authority to grant, refuse, amend, suspend or revoke a licence held by an entrepreneur established in the Republic of Poland is the President of the UTK.

Urząd Transportu Kolejowego

Al. Jerozolimskie 134, 02-305 Warszawa

utk@utk.gov.pl

www.utk.gov.pl

2.2.4. Safety certificate

Safety certificates are issued, extended, amended and revoked, including the keeping and updating the relevant records, by the President of the UTK in terms of supervision of operators whose activities are related to the safety of railway traffic safety and railway operations.

The contact details of the Railway Transport Office (UTK) are specified in subsection 2.2.3.

2.3. General business terms and conditions

1. Detailed relations applicant / railway undertaking - PLK are established in the Allocation contract, Usage Agreement or Framework Agreement, specifying rights and obligations of the parties, commercial as well as formal and legal aspects of mutual obligation fulfilment.
2. PLK is responsible for condition and efficiency of elements of the railway path allocated within the framework of Contract for use concluded with the railway undertaking.

3. For tracks of 1520 mm width, separate regulations apply, as indicated in the document "Principles of making available of railway infrastructure with 1520 mm width tracks managed by PKP Polskie Linie Kolejowe S.A.", available at www.plk-sa.pl in tab: *Dla klientów i kontrahentów / Warunki udostępniania infrastruktury i regulaminy / Zasady udostępniania infrastruktury kolejowej o szerokości torów 1520 mm* [For customers and partners / Terms of access to infrastructure and regulations / Rules of access to railway infrastructure with a track gauge 1520 mm]
4. Data concerning the characteristics of the 1520 mm track railway infrastructure are provided in the Appendices: **2.1 (P), 2.1 (A), 2.1 (T), 2.2, 2.3, 2.4, 2.6, 2.7, 2.10., 2.11, 2.12., 2.13, 2.14, 2.15.**

2.3.1. Contracts with railway undertakings

1. The railway undertaking concludes two contracts with PLK:
 - 1) Allocation contract - as applicant;
 - 2) Contract of use - as railway undertaking.
2. The conclusion of an Allocation contract enables the applicant being a railway undertaking to submit applications for allocation of train path capacity, parking of railway vehicles or shunting.
3. In order to conclude the Allocation contract for timetable 2020/2021, the applicant being a railway undertaking, who in previous timetable did not have any allocation contract concluded with PLK - submits the application for the allocation contract in writing, according to the template constituting **Annex 6.1 - section A**. In his application, the applicant shall specify in particular:
 - 1) name, registered office and address;
 - 2) data enabling unambiguous identification, e.g. NIP, Regon, KRS;
 - 3) nature of the applicant: applicant being a railway undertaking;
 - 4) planned scope of ordered capacity;
 - 5) the type of transport for which the applicant will apply for capacity: passenger transport / freight transport / passenger and freight transport;
 - 6) within which timetable the applicant will submit applications for allocation of capacity: annual or individual.
4. In the case of applicants who intend to apply for allocation of the capacity for rail passenger services (other than occasional ones), an applicant shall specify an intended scope of the capacity to be requested in the Contract for allocation, to the extent that they have concluded a public service contract, provided a declaration of the public rail transport operator about their intention to include trains in the public service contract or obtained a decision to grant open access or a decision to grant limited access.

5. Conclusion of the Contract of Use enables the railway undertaking to use the allocated capacity for train paths, railway vehicles parking, shunting or using the service facilities referred to in subchapter 5.3.
6. In order to conclude the Contract of use for timetable 2020/2021, the railway undertaking, which in previous timetable did not have a contract of use concluded with PLK - submits in writing the application for conclusion of an agreement for use according to template constituting **Annex 6.1 - section B**.

Along with the application, the railway undertaking shall submit in Polish or as certified translation of the originals into Polish, the documents referred to in Section 2.2.2, paragraph 2.

7. The applications referred to in paragraphs 3 and 6 shall be sent to the following address:

PKP Polskie Linie Kolejowe S.A.

Biuro Sprzedaży

03-734 Warszawa, ul. Targowa 74

e-mail: aplikant@plk-sa.pl, ius@plk-sa.pl

8. The concluded Allocation contract or the Contract of use do not require the approval of the President of the Office of Railway Transport.

2.3.2. Contracts with applicants other than railway undertakings

1. Applicant who is not a railway undertaking concludes an allocation contract with PLK.
2. The conclusion of an Allocation contract enables the applicant not being a railway undertaking to submit applications for allocation of train path capacity, parking of railway vehicles, performing shunting operations and applications for preparation of a timetable study.
3. In order to conclude the Allocation contract for the timetable 2020/2021, the applicant not being a railway undertaking, but who in previous timetable did not have an allocation contract for train path capacity concluded with PLK - submits in writing the application for allocation of train path capacity, according to template constituting **Annex 6.1 - section A**, to the following address:

PKP Polskie Linie Kolejowe S.A.

Biuro Sprzedaży

03-734 Warszawa, ul. Targowa 74

e-mail: aplikant@plk-sa.pl

In his application, the applicant shall specify in particular:

- 1) name, registered office and address;
- 2) data enabling unambiguous identification, e.g. NIP, Regon, KRS;
- 3) nature of the applicant: applicant not being a railway undertaking / applicant being an organizer of public transport;
- 4) planned scope of the ordered capacity;

- 5) the type of transport for which the applicant will apply for capacity: passenger transport / freight transport / passenger and freight transport;
 - 6) within which timetable the applicant will submit applications for the allocation of capacity: annual or individual.
4. The Allocation contract concluded with an applicant who is not a railway undertaking specifies, among others, the manner and time limit for providing PLK with information on the railway undertaking indicated for use of capacity allocated to the applicant.
 5. In case of the Allocation contract concluded with an applicant not being a railway undertaking - the provisions of subsection 2.3.1 paragraph 4 - shall apply accordingly.
 6. The concluded Allocation contract does not require the approval of the approval of the President of the Office of Railway Transport.

2.3.3. Framework agreement

1. PLK, upon a reasoned request of the applicant, may conclude a Framework agreement referred to in Article 31 of the [Act](#), i.e. a capacity reservation contract for a period extending beyond the duration of the RRJ.
The Framework agreement does not specify detailed train routes.
2. The rules for reservation of framework railway capacity are specified in **Annex 7.1**.
3. Applications for framework capacity for the period referred to in section 1 should be submitted within the time limit specified in **Annex 7.1**.
Applications submitted after the end of the prescribed time limit are considered according to the remaining available and reservable capacity.
Template of the application for framework railway capacity is attached in **Annex 7.3**.
4. Applications for framework capacity on specific railway lines/sections can be submitted based on:
 - 1) a business contract concluded,
 - 2) implementing or planning investments related to rolling stock.

The applicant submits all the necessary information which provides the basis for submitting an application, e.g. an extract of a contract/contracts, which contains information about the parties to the contract, the scope and term of the contract, to:

PKP Polskie Linie Kolejowe S.A.

Biuro Sprzedaży

03-734 Warszawa, ul. Targowa 74

e-mail: ius@plk-sa.pl

5. PLK's Sales Department informs the applicant, within 10 working days, of successful compliance with the condition of submitting the documents referred to in section 4, confirming the term of the contracts concerning specific railway lines

with respect to framework capacity or of any formal inconsistencies in the documents submitted.

6. When considering applications for framework capacity allocation, PLK takes into account e.g. the following elements:
 - 1) ensuring the optimum use of the reservable capacity of railway lines/sections;
 - 2) requirements for capacity within international rail freight corridors as defined in Article 14 of [Regulation \(EU\) No. 913/2010 of the European Parliament and of the Council of 22 September 2010 concerning a European rail network for competitive freight](#);
 - 3) priority criteria applicable to the allocation of train paths in the process of development of an annual timetable, referred to in subsection 4.3.1, and notifications of overloaded infrastructure;
 - 4) previous cases of unused framework capacity and related reasons.
7. PLK may refuse to consider an application for framework capacity or modify in agreement with applicant, a framework agreement in place if the railway infrastructure cannot be used due to:
 - 1) track possessions involving, in whole or in part, the railway lines with the maximum acceptable speed of 0 km/h according to **Annexes 2.1 (P), 2.1 (A), 2.1 (T)**;
 - 2) initiation of a closing-down procedure for a railway line or its part, as referred to in Article 38ba of the [Act](#);
 - 3) restricting accessibility to railway line sections / railway lines in the cases referred to in subsection 3.5. and **Annex 5.3**.
8. A framework agreement concluded with the applicant for a period longer than the period of applicability of the RRJ, not more than 5 years, can be extended for subsequent 5-year periods. The draft framework agreement, after being initialled by the parties, is submitted by PLK to the President of the UTK for approval.
9. The framework agreement specifies in particular:
 - 1) term of the contract;
 - 2) the rules and deadlines for submission of applications for train path allocation;
 - 3) the capacity parameters reserved by PLK for the applicant in the subsequent annual timetables during the term of the framework agreement;
 - 4) the rules for modifying the framework capacity, which enable the better use of the railway infrastructure;
 - 5) conditions for using the framework railway capacity;
 - 6) consequences of non-compliance with the framework agreement;
 - 7) fees for reservation of framework capacity and payment deadlines.
10. Having obtained consent from the President of the UTK, PLK may choose not to conclude framework agreements with respect to railway lines registered as overloaded.

11. The model framework agreement is attached in **Annex 7.2**.
12. The applicant who have concluded the Framework agreement with PLK shall submit applications for allocation of capacity in accordance with the rules specified for a given annual train timetable, in accordance with the provisions of the Framework agreement.

2.4. Operational rules

1. The railway undertaking is obliged to comply with the rules and conditions of operating on railway lines, specified in the [Regulation of the Minister of Infrastructure of 18 July 2005 on general conditions of operating and signaling in railway traffic](#).

Railway undertaking's employees performing activities directly related to railway traffic safety shall be bound by safety rules specified in **Annex 3.1**.

Applicant and railway undertaking using railway infrastructure managed by PLK are also obliged to comply with internal regulations listed in **Annex 3.2**.

In border traffic, the rules of railway traffic are additionally applicable, as specified in separate agreements, regulations or instructions.

2. Internal regulations are published in the Bulletin of PLK available at www.plk-sa.pl in tab: *Dla klientów i kontrahentów / Akty prawne i przepisy*. [For customers and partners / Legal acts and regulations].
3. Instructions and other internal regulations of PLK, indicated in Appendices 3.1. and 3.2. are published on the website www.plk-sa.pl, in tab: *Dla klientów i kontrahentów / Akty prawne i przepisy / Instrukcje PKP Polskie Linie Kolejowe S.A.* [For customers and partners / Legal acts and regulations / Instructions of PKP Polskie Linie Kolejowe S.A.].
4. PLK notifies applicants about amendments to internal regulations, indicated in **Appendices 3.1** and **3.2** as well as agreements, regulations or instructions binding in border traffic, referred to in par. 1, in time enabling preparation for the introduction of amendments, however not later than 30 calendar days before such amendments come into force.
5. Agreements, regulations and instructions referred to in par. 1 and extracts from current technical regulations, as well as schematic plans of traffic stations and expeditionary points are available at www.plk-sa.pl, after logging in to ISZTP or through the OCTOPUS interface in the passive part. In case of its lack on the website, on railway undertaking's written request, the PLK subdivision having local responsibility sends them free of charge in electronic version, and if necessary - on railway undertaking's request – provides a training of railway undertaking's employees against payment.
6. Basic information on conditions of use of cross-border sections is available on PLK's website in tab: *Dla klientów i kontrahentów / Warunki udostępniania infrastruktury i regulaminy / Podstawowe informacje o warunkach korzystania z odcinków transgranicznych* [For customers and partners / Terms of access

to infrastructure and regulations / Basic information on conditions of using cross-border sections].

2.5. Special carriage services

1. Special transport services are provided by PLK as part of the RRJ and IRJ after having determined the conditions for such special transport services.
2. Before submitting an application for allocation of capacity for exceptional transports, the railway undertaking which is to perform the transport shall file an application for a permit for an exceptional transport to the PLK Railway Traffic Management Centre:
 - 1) for domestic journeys which are planned only on railway lines managed by PLK or any other domestic infrastructure managers, no later than 20 calendar days before the planned journey or before the deadline for submitting applications for train path allocation according to RRJ or its updated version - to a regional Railway Traffic Management Centre unit competent for the starting point of the journey as indicated in **Annex 4.3**;
 - 2) for international journeys - no later than 40 calendar days before the planned journey or before the deadline for submitting applications for train path allocation according to RRJ or its updated version – to the following address:

PKP Polskie Linie Kolejowe S.A.
Centrum Zarządzania Ruchem Kolejowym
Przewóz Przesyłek Nadzwyczajnych

03-734 Warszawa, ul. Targowa 74

e-mail: ld.nadzwyczajne@plk-sa.pl

tel.: (00 48) 22 473 35 67 or (00 48) 22 473 27 00

railway tel.: (922) 473 35 67 or (922) 473 27 00

municipal fax: (00 48) 22 473 35 68; railway fax: (922) 473 35 68

3. The requirements concerning compliance with the time limits for submitting an application for a permit for special carriage services do not apply when the carriage is justified by the major needs relevant to national defence or security.
4. Requirements as to what detailed information is to be included in an application for exceptional carriage, referred to in section 2, are laid down in Chapter II § 11a, 12, 13 and 14 of the “Instruction for special carriage services Ir-10 (R-57)” provided in **Annex 3.1**.
5. PLK’s consent for carriage of an emergency consignment specifies the conditions of carriage of such consignment using the lines managed by PLK in accordance with § 18 of the instruction referred to in section 4. In the event of special carriage services provided as part of international traffic according to RRJ, the railway undertaking is required to provide PLK with consent for special carriage services from a railway undertaking, a manager of railway infrastructure or railroads adjacent to that managed by PLK no later than 27 November 2020.

6. In the event of track possessions within the area managed by PLK and for reasons attributable to it, PLK updates, while preparing timetable changes referred to in subsection 4.3.3.2, any previously issued consents for special carriage services in coordination with the railway undertaking.

2.6. Dangerous goods

1. Dangerous goods means materials and objects whose carriage is prohibited by the provisions of the Regulations concerning the International Carriage of Dangerous Goods by Rail (RID) or allowed only under certain conditions. The carriage of dangerous goods by rail is any movement of dangerous goods in a wagon, taking into account the stops required for such carriage and the activities related to such carriage.
2. High risk dangerous goods (TWR) means a group of goods distinguished from dangerous goods which, if used against its purpose, inter alia, for terrorist purposes, may cause serious consequences such as multiple casualties, massive destruction or massive socio-economic disruption.
3. The obligation to apply the RID Regulations also results from the [Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods](#), which was implemented into the Polish legal system by [the Act of 19 August 2011 on the transport of dangerous goods](#).
4. The regulations concerning the transport of dangerous goods by rail are contained in the "Instruction on procedures for transport of dangerous goods by rail Ir-16", listed in **Annex 3.1** and in legal acts, listed on the website:
<https://www.gov.pl/web/infrastruktura/przewoz-towarow-niebezpiecznych>

2.7. Rolling stock acceptance procedure

Legal requirements

1. Railway vehicles of railway undertakings must meet the conditions specified in the [Regulation of the Minister of Infrastructure of 12 October 2005 on general technical conditions for operating railway vehicles](#).
2. Railway vehicles of railway undertakings must be marked in accordance with the requirements of the [Regulation of the Minister of Transport, Construction and Maritime Economy of 3 January 2013 on the manner of keeping the register and the manner of marking railway vehicles](#), in particular with regard to the correct equipping of passenger trains with appropriate direction signs.
3. Waste rail transport should be carried out in accordance with the requirements specified in the [Regulation of the Minister of the Environment of 7 October 2016 on the specific requirements for waste transport](#).

Rolling stock

4. Electrical rolling stock shall be equipped with current collectors (pantographs) with B.2 or B.7 collector head profile according to EN 50367 standard.

The working length of the collector head (glide block) is:

- 1) 1030 mm for profile B.2;
- 2) 1100 mm for profile B.7.

The permissible static contact force exerted by the pantograph on the contact wire shall be between 90 N and 120 N.

The width of the glide block for each profile must not be less than 60 mm.

The thickness of the glide block shall not be less than the smallest specified in the DTR (Maintenance manual) for the type of pantograph.

List of materials from which the glide blocks of the current collector (pantograph) of railway vehicle with drive for contact with PLK overhead contact line can be made is included in **Annex 12**.

The electric traction vehicles, of which pantographs are equipped with ADD (Automatic Drop Device) emergency lowering system, should have the above-mentioned system activated during the train journeys.

5. The permissible unevenness of loads of bogies, axles and wheels of a given railway vehicle axle cannot exceed the value specified in § 6 of "Instruction on transport of extraordinary consignments Ir-10 (R-57)", listed in **Annex 3.1**.
6. Wheelsets of rolling stock must ensure electrical short-circuiting of the tracks - the resistance of the wheelset must not exceed 50 mΩ.
7. Freight wagons whose rim width or flange of the monobloc wheel is other than 135 ± 2 mm shall be marked according to 'Instruction on shunting techniques Ir-9' listed in **Annex 3.1** stating that the wagon cannot pass through track rim brakes during operation.

Any other restrictions on the admission to shunting of wagons, not included in current regulations and instructions but resulting from the specificity of the facility equipped with automatic shunting control devices, including the construction of a track brake, are included in the technical regulations of the traffic control station and in the "Regulations on access to infrastructure facilities managed by PKP Polskie Linie Kolejowe S.A.". - Annex No. 3 "OIU marshalling yards - detailed technical data", available at www.plk-sa.pl in the tab: *Dla klientów i kontrahentów / Warunki udostępniania infrastruktury i regulaminy / Obiekty infrastruktury usługowej* [For customers and partners / Terms of access to infrastructure and regulations / Service facilities].

8. Railway undertakings are obliged to equip a train, which includes vehicles with a non-screw coupling, with devices enabling its coupling with a screw coupling, in order to "pull" from the route of e.g. a damaged vehicle.

9. Environmental constraints on the operation of rolling stock fitted with toilets with closed sanitary facilities on individual sections of railway lines are indicated in Subchapter 3.4.2.
10. For the carriage of goods, the railway undertaking must use wagons suitably adapted to the type of cargo in question. The railway undertaking shall ensure and be responsible for the effective securing of cargo accepted for carriage, in particular against displacement, emissions of cargo through e.g. dust, exhaust, dumping, pouring, leakage and release, and emission of energy.
11. In the case of freight transport of goods particularly exposed to theft, it is recommended that the railway undertaking apply additional protection of doors, window blinds or roof hatches, top and bottom inlets, as well as down flaps and chute devices for freight wagons in such a way as to make their opening difficult by unauthorized persons.
12. Powered units that travel on lines equipped with lineside automatic braking systems for trains shall have installed and be able to operate in conjunction with the lineside equipment.
Drive-through of powered units, which are not equipped with automatic braking devices, is possible after fulfilling by the railway undertaking of conditions concerning train manning specified in "Instruction on railway traffic Ir-1", mentioned in **Annex 3.1**.
13. The railway undertaking shall specify in internal rules and regulations the rules for the servicing of braking systems in the event of their failure, including by track-side equipment for detection of rolling stock degraded conditions (dSAT), taking into account applicable regulations.
14. Railway vehicles equipped with PLK's radiotelephone network devices may enter railway lines of PLK only with active and efficient devices, and in case of railway vehicles equipped with "Radio-stop" system devices - with efficient system.
The Radio-Stop equipment must be fitted to all powered units intended for train operation.
15. Railway vehicles and railway undertaking's employees must be equipped with radiotelephone devices operating in PLK's radio network in accordance with rules and requirements specified in "Instruction on organization and use of radiotelephone networks le-14 (E-36)", listed in **Annex 3.2**.

Radio

16. The railway undertaking cannot share radio-telephone devices used by its staff working in PLK's radio network with third parties and is responsible for their efficiency and use, in accordance with instructions and regulations binding in PLK, in particular "Regulations of using radio network in radio bands administered by PKP Polskie Linie Kolejowe S.A. by railway undertakings using railway lines managed by PKP Polskie Linie Kolejowe S.A.", available at www.plk-sa.pl in tab: *Dla klientów i kontrahentów / Warunki udostępniania infrastruktury i regulaminy / [Regulamin wykorzystywania sieci radiolączności w pasmach radiowych](#)*

[administrowanych przez PKP Polskie Linie Kolejowe S.A. przez przewoźników kolejowych](#) [For customers and partners / Terms of access to infrastructure and regulations / Regulations of using radio communication networks in radio bands administered by PKP Polskie Linie Kolejowe S.A. by railway undertakings].

17. (repealed)

18. (repealed)

19. Railway undertakings, which will use PLK's railway lines for the first time, are subject to one-off training on procedure of checking correct operation of radio-telephone and the "Radio-stop" system.

Training is conducted by PLK subdivision on a railway vehicle with drive selected by the railway undertaking, on the basis of separate agreement or order.

After the training, the railway undertaking is obliged to train all staff operating the powered railway vehicles.

The principles for checking the correct operation of the radiotelephone equipment and the radio-stop system are specified in the 'Instruction for use of train-borne Ir-5 (R-12) equipment' listed in **Annex 3.1**.

19a. A railway undertaking that wants to carry out transport on railway lines equipped with the ERTMS/ETCS level 2 system, with the use of traction vehicles equipped with on-board devices of this system, is obliged to apply to PLK for cryptographic keys.

Detailed information on applying for and issuing cryptographic keys for ERTMS/ETCS level 2 devices is available on the website www.plk-sa.pl, in the tab: *Dla klientów i kontrahentów / Warunki udostępniania infrastruktury i regulaminy* / [Zasady korzystania z ERTMS/ETCS poziom 2 i ERTMS/GSM-R](#).

19b. All information regarding PLK's analogue radio communication network (VHF), radio licenses and ERTMS/ETCS system, is provided by:

Headquarters of PKP Polskie Linie Kolejowe S.A.

Biuro Automatyki i Telekomunikacji

03-734 Warszawa, ul. Targowa 74

tel. (22) 473-20-50, e-mail: iat@plk-sa.pl

19c. A railway undertaking that wants to carry out transport with the use of ERTMS/GSM-R radio communication devices (including ERTMS/ETCS level 2 devices), is obliged to apply to PLK for issuing SIM cards for GSM-R system.

Detailed information on applying for and issuing SIM cards of the ERTMS/GSM-R system, the operator of which is PLK, is available on the website www.plk-sa.pl, in the tab: *Dla klientów i kontrahentów / Warunki udostępniania infrastruktury i regulaminy* / [Zasady korzystania z ERTMS/ETCS poziom 2 i ERTMS/GSM-R](#).

19d. All information regarding the ERTMS/GSM-R system is provided by:

Headquarters of PKP Polskie Linie Kolejowe S.A.

Biuro Teleinformatyki

03-734 Warszawa, ul. Targowa 74

tel. (22) 473-29-16, e-mail: iin@plk-sa.pl

Procedure in the event of discovery of irregularities

20. PLK, after ineffective intervention, informs the President of the Office of Railway Transport about cases of disclosure of rolling stock and equipment installed on rolling stock causing threat to railway traffic safety, including disturbances of railway traffic control and telecommunication equipment.
21. The railway undertaking, after ineffective intervention, informs the President of the Office of Railway Transport about cases of disclosure of defects and irregularities of railway infrastructure causing a threat to the safety of railway traffic.

2.8. Staff acceptance process

1. Employees of a railway undertaking, who are engaged for performing tasks directly related to the operation and safety of railway traffic, must meet the requirements of the [Act](#) and relevant implementing regulations issued thereunder, including drivers in terms of working time and rest period as well as knowledge of railway lines sections.
- 1a. Train drivers driving railway vehicles on PLK's network must speak Polish. In border traffic conducted on sections of railway lines included in local border agreements with Member States of the European Union neighbouring the Republic of Poland, a railway undertaking may submit an application for exemption of one or more train drivers from the requirement to have the ability to understand and communicate at Level B1 of the Common European Framework of Reference for Languages. Applications for a derogation from language requirements must be sent to the following address:

PKP Polskie Linie Kolejowe S.A.
Biuro Eksploatacji i Obsługi Pasażerskiej
03-734 Warszawa, ul. Targowa 74
e-mail: ies@plk-sa.pl

Rules for granting derogations from language requirements for train drivers in border traffic are set out in **Annex 14**.

2. When performing tasks referred to in the Contract of Use, employees of the railway undertaking have to be provided, as needed, with a permit issued as described in subsection 7.4 and up-to-date timetables in paper or electronic form.
3. Training of railway undertaking's staff on issues related to the use of PLK's railway infrastructure, including in particular:
 - 1) traffic control methods;
 - 2) knowledge of extracts from technical regulations,may be carried out by appropriate PLK's employees at the request of a railway undertaking.
4. A detailed scope of issues referred to in section 3, dates, number of training hours and related fees are specified in a separate agreement or contract.

3. INFRASTRUCTURE

3.1. Introduction

1. The national infrastructure register (RINF), kept by the President of the UTK in electronic format, is available for registered users at <https://rinf.utk.gov.pl>.
2. The data relative to the railway infrastructure, specified in annexes to the Network Statement, and the data submitted to the RINF, referred to in section 1, originate from one data source: Running the Network Description (POS).

3.2. Extent of network

3.2.1. Borders

1. The railway infrastructure managed by PLK does not extend beyond Poland.
2. The course of PLK's railway infrastructure, including border points with the networks of neighboring foreign railway infrastructure managers, is presented on the map in **Annex 2.19**.

3.2.2. Connected railway networks

List of contact points of railway infrastructure managed by PLK with railway infrastructure of other infrastructure managers, including railway networks of domestic and foreign managers, is provided in **Annex 2.10**.

3.3. Network description

1. A list of railway lines accessible via PLK is provided in **Annex 1**.
The capacity of railway lines, including the capacity needed for internal technical travels, is determined - basically on a 24-hour basis - using software which takes into account the UIC Leaflet 406 and PLK's operational parameters.
2. A general description of the railway lines managed by PLK is provided in the instruction 'List of lines Id-12 (D-29)' which can be accessed at www.plk-sa.pl.
3. A list of technical parameters for designated international transit corridors in freight traffic is provided in **Annex 2.5**, and a list of parameters of overhead contact lines - in **Annex 2.12**.
4. The railway lines are provided with automatic train braking devices listed in **Annex 2.13** and ETCS devices listed in **Annex 2.16**.
5. The technical and operational conditions of the railway lines managed by PLK are provided in Annex 1 to the WRJ. Annex 1 to the WRJ is developed and issued on a recurrent basis. The currently applicable Annex 1 to the WRJ in electronic format

(a PDF file) can be accessed via the ISZTP or OCTOPUS interface in the passive part.³

6. Information on the railway lines managed by PLK's regional railway units is provided in **Annex 2.14**, and on the inclusion of railway lines in the individual construction areas - in **Annex 2.15**.
7. A list of railway lines with temporary operational restrictions is provided in **Annex 2.7**.
8. Information included in annexes characterizing PLK's railway infrastructure reflect its condition as of the date given in these annexes and are valid from the date of printing until they are changed, about which applicants are informed.

3.3.1. Summary of the railway infrastructure in use

Summary of the railway infrastructure of PLK (status as at 31 December 2018)	1435 mm track gauge	1520 mm track gauge	Sum
Length of railway lines:	18 394 km	142 km	18 536 km
– included single-track lines	9 776 km	142 km	9 918 km
– included double-track lines	8 618 km	0 km	8 618 km
Length of railway tracks:	35 600 km	263 km	35 863 km
– included length of the running and main tracks on stations	27 012 km	142 km	27 154 km
– included length of station tracks	8 588 km	121 km	8 709 km
Length of electrified railway lines	11 797 km	14 km	11 811 km
Number of railway crossings			14 173 szt.

3.3.1.1. Tracks typologies

The railway network managed by PLK includes single-track and double-track railway lines which are either electrified or non-electrified, and their arrangement is shown in a map provided in **Annex 2.19**.

3.3.1.2. Track gauge

1. Railway lines managed by PLK are characterized by tracks with width of: 1435 mm (normal) and 1520 mm (wide).
2. A list of railway lines with a track gauge of 1520 mm, which are managed by PKP Polskie Linie Kolejowe S.A., is provided in Annex 1 to the Rules on granting access to the railway infrastructure with a track gauge of 1520 mm managed by PKP Polskie Linie Kolejowe S.A., which is referred to in subsection 2.3. (3).

³ From 14 march 2021 PLK ceases printing Annexes to WRJ.

3.3.1.3. Stations and nodes

1. A list of operating control points, including train stations along individual railway lines, is provided in **Annex 2.6**.
2. List of platforms at railway lines managed by PLK, with their characteristics, is provided in **Annex 2.18**.

3.3.2. Parameters of the network

The parameters of the overhead contact lines are specified in **Annex 2.12**.

3.3.2.1. Clearance gauge of railway structures

A list of restrictions due to non-compliance with the structure gauge for the railway line, including the type of obstruction on a given section, is provided in **Annex 2.11**.

3.3.2.2. Maximum acceptable axle load

1. A list of maximum acceptable axle loads for individual locomotives and wagons is provided in **Annex 2.2**.
2. A list of maximum acceptable linear loads (per 1 running metre of track) is provided in **Annex 2.3**.
3. The classes of railway line section are specified in **Annex 2.4**.

3.3.2.3. Line profiles

A list of measureable inclinations or slopes per mille (‰), as necessary for calculating the braking mass in trains on railway line sections managed by PLK, is provided in Table 3, Annex 1 to the WRJ available for users logged into the ISZTP or via OCTOPUS interface in the passive part.

3.3.2.4. Line speeds

1. The maximum acceptable linear speeds applicable to the individual sections of the railway lines managed by PLK are provided in **Annexes 2.1 (P), 2.1 (A), 2.1 (T)** concerning train categories and types of rail vehicles in use:
 - 1) 2.1 (P) – list of maximum speeds for passenger trains in wagon sets;
 - 2) 2.1 (A) – a list of maximum acceptable speeds for passenger trains composed of EMUs and rail buses;
 - 3) 2.1 (T) – List of maximum acceptable speeds for freight trains.
2. For TC and TD trains (freight trains for transport of intermodal transport units and empty platforms after transport or for transport of intermodal transport units) the speeds as for passenger trains composed of carriage sets, indicated in **Annex 2.1 (P)**, with the maximum speed limit up to 120 km/h shall be used, provided that in the application for train path allocation referred to in subsection 4.2.1, the applicant has marked the type of load as “intermodal” and the train is equipped with a quick-acting brake.

3.3.2.5. Maximum acceptable train length

1. The list of permissible lengths of freight trains together with active locomotives is included in Table 2 of Annex 1 to WRJ available for logged-in users in ISZTP or via OCTOPUS interface in the passive section.

The list of permissible lengths of freight trains along with active locomotives shall be made available upon request to the railway undertaking, international economic interest groups comprising railway undertakings, other entities interested in obtaining capacity, including foreign ones.

2. The useful life of platform edge lengths for passenger trains is shown in **Annex 2.18**.

3.3.2.6. Power supply

1. PLK makes it possible to use the 3 kV DC overhead contact lines along electrified lines as part of the access to the railway infrastructure.
2. The electricity distribution system, to which the 3 kV DC overhead contact lines are connected, is operated by PKP Energetyka S.A.
3. Railway undertakings using electricity for traction purposes are required to conclude contracts for the sale of electric power and contracts for the supply of electric power distribution services or complex contracts for the supply of electric power distribution services and the sale of electric power with relevant electricity undertakings.
4. Lack of binding contracts, referred to in sec. 3, results in the lack of possibility to use railway infrastructure with the use of electric traction.
5. Detailed regulations concerning the use of railway infrastructure by means of electric traction are included in the Contract of allocation or the Contract of use.

3.3.3. Traffic control and communication systems

PLK's railway network features three essential functional groups of railway traffic control devices:

- 1) station equipment;
- 2) line devices regulating the train movement on railway routes;
- 3) traffic security equipment at railway crossings.

3.3.3.1. Signaling systems

All and any issues concerning the signaling operations and a list of signal used in the railway network managed by PLK are regulated in the "Instruction for signaling operations le-1" provided in **Annex 3.1**.

3.3.3.2. Traffic control systems

1. Train operations on railway paths shall take place:

- 1) based on announcements made by means of telephone communication equipment and, in the event of a break in telephone communication, by means of radio-telephony communication equipment;
- 2) by means of single-distance (semi-automatic) linear interlocking devices;
- 3) with multipoint (automatic) line interlocking devices;
- 4) by means of remote control devices;
- 5) on the basis of radiotelephone communication between the section train dispatcher and a driver driving a powered railway vehicle, without remote control devices and without passing staff;
- 6) without announcing trains, if one motive power unit serves all trains;
- 7) using ERTMS/ETCS Level 1 and Level 2.

The detailed rules of train operation on railway paths are defined in the "Train operation instruction Ir-1", using ERTMS/ETCS – "Train operation instruction using ERTMS/ETCS level 1 Ir-1a" and "Train operation instruction using ERTMS/ETCS level 2 Ir-1b".

Information about train paths on adjacent routes (distances) is contained in sections 2 and 2a of the technical rules of a given traffic station, available in ISZTP or via OCTOPUS interface in its passive part.

3.3.3.3. Communication systems

1. Communication on PLK network is performed by means of train analogue communication system in VHF band - bidirectional, simplex, with selective call.
2. The detailed requirements and information for communication systems are described in Section 2.7 [Rolling stock acceptance procedure].

3.4. Traffic restrictions

1. Those using railway lines are bound by the provisions contained in Annex 1 to WRJ, containing the technical and operational conditions of the line, and Annex 2 to WRJ, containing the list of permanent warnings and road speeds on the main tracks of basic junction stations.
2. Annex 1 to WRJ is prepared and issued periodically at dates coinciding with the date of entry into force of the new RRJ or at dates coinciding with its updates.
3. Annex 2 to the WFD is developed and issued periodically, however for the first time simultaneously with the entry into force of the RRJ.⁴
4. Current WRJ add-ons in electronic version (PDF files) are available in ISZTP or via OCTOPUS interface in its passive part.

⁴ From 14 March 2021 PLK ceases printing Annexes to WRJ. The last printed edition of Annex 2 will be issued for the substitute train schedule for the period from 13 December 2020 to 14 March 2021.

5. PLK informs the driver of a railway vehicle with propulsion in a way specified by regulations about ad hoc changes resulting from urgent need to introduce operational restrictions concerning:
 - 1) the technical and operational parameters of the lines on which the passage takes place, including restrictions related to works, speed limits and other operational restrictions;
 - 2) the operation of signaling and communication equipment and rolling stock control and diagnostic equipment.

3.4.1. Special infrastructure

PLK does not distinguish special infrastructure within the meaning of Article 49 of the [Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area](#) and sections of railway lines on which a specific type of transport is privileged, as referred to in Article 29b of the [Act](#).

3.4.2. Environmental restrictions

1. Passenger railway undertakings using railway lines:
 - 1) No. 1 Warszawa Zachodnia - Katowice, section Skierniewice - Koluszki;
 - 2) No. 17 Łódź Fabryczna - Koluszki;
 - 3) No. 440 Warszawa Służewiec - Warsaw Chopin Airport;
 - 4) No. 458 Łódź Fabryczna - Łódź Widzew;are obliged to assemble the train from passenger rolling stock equipped with toilets with closed circulation or without toilets.
2. Passenger railway undertakings are obliged to close toilets with open circulation by train crew for the duration of:
 - 1) passage of the train on line:
 - a) No. 2 Warszawa Zachodnia - Terespol, on section Warszawa Zachodnia - Warszawa Wschodnia (long-distance service diametral line),
 - b) No. 448 Warszawa Zachodnia - Warszawa Rembertów, on section Warszawa Zachodnia - Warszawa Wschodnia (suburban service diametral line);
 - 2) using the railway line between Wrocław Główny WGB, Wrocław Główny WGA and Grabiszyn branch post;
 - 3) provision of train sets from storage sidings to platform tracks and during parking at Wrocław Główny station.
3. Passenger railway undertakings using PLK's railway infrastructure are obliged to successively introduce passenger rolling stock equipped with toilets with closed circulation into operation.

4. Starting from timetable 2023/2024, passenger railway undertakings will be obliged to compile trains from passenger rolling stock equipped with toilets with closed sanitary circulation on the whole railway infrastructure of PLK.
5. Railway undertakings using railway infrastructure shall be liable for any emissions to the environment, inside or outside the railway area, which arise as a result of their operations.
6. In case if the railway undertaking causes environmental pollution or an imminent threat of environmental damage or environmental damage, the railway undertaking shall bear the costs of actions taken to remove the pollution or preventive and remedial actions in accordance with current environmental protection regulations, including regulations concerning prevention and repair of environmental damage.
7. In case of environmental pollution caused by the railway undertaking, the railway undertaking shall within 14 days from the date of event provide the locally responsible PLK subdivision with information about the method and terms of undertaking actions aiming at removing pollution or preventive and corrective actions.

3.4.3. Restrictions on the transport of dangerous goods

1. Information on restrictions concerning execution of transport of dangerous goods (including TWR) and on the procedure for all participants of transport of dangerous goods on railway lines managed by PLK and on prevention of situations posing threats to people and the environment resulting from this process is included in "Instruction on proceeding with transport of dangerous goods by rail Ir-16", listed in **Annex 3.1**.
2. PLK, on the basis of Article 29a par. 3 (2) of the [Act](#), introduces a prohibition of the entry of railway vehicles with dangerous goods to the tunnels listed below:

Number of line	Location	Tunnel specification	Kilometrage from (km) - to (km)
2	Warsaw	Cross-town long-distance tunnel	from -0.254 to -0.557 from 0.152 to 1.680
448		Cross-town suburban tunnel	from -0.196 to 0.100 from 0.404 to 1.680
440		Chopin Airport	from 0.460 to 1.620
17	Łódź	Łódź Fabryczna	from -0.142 to 2.250
458			from -0.139 to 2.250

3.4.4. Tunnel restrictions

Due to the technical solutions applied in the field of fire protection and ensuring adequate air quality in the area of passenger station areas, there are restrictions on the regular movement of trains with diesel traction in following tunnels:

Number of line	Location	Tunnel specification	Kilometrage from (km) - to (km)
2	Warsaw	Cross-town long-distance tunnel	from -0.254 to -0.557 from 0.152 to 1.680
448		Cross-town suburban tunnel	from -0.196 to 0.100 from 0.404 to 1.680
440		Chopin Airport	from 0.460 to 1.620
17	Łódź	Łódź Fabryczna	from -0.142 to 2.250
458			from -0.139 to 2.250

3.5. Availability of the infrastructure

- The list of railway lines shared by PKP Polskie Linie Kolejowe S.A. is provided in **Annex 1**.
- Operational requirements may arise e.g. from:
 - planned track possessions due to investment and/or modernisation works, repairs and regular maintenance works;
 - non-scheduled track possessions due to railway infrastructure damage and those not included in long-term schedules of track possessions due to additional investments and modernisation works;
 - temporary operational restrictions for certain railway line sections or operating control points as described in **Annex 2.7**;
 - maintenance shutdowns;
 - damage to the rolling stock;
 - occurrence of emergency or crisis situations;
 - risks to the traffic safety or the safety of carriage of people and goods;
 - requirements related to the state security and defence;
 - decision of the President of UTK and other competent national authorities.
- The procedures for planning and approving track possessions as well as the units responsible for establishing a schedule of repairs are provided in the "Rules governing the organization and approval of track possessions - Ir-19".
- The track shutting off plans are divided into:
 - long-term;
 - periodic.
- A list of scheduled long-term track possessions is provided in **Annex 5.1** "Network-wide schedule of track possessions for the 2020/2021 timetable".
- Periodical planning refers to the periods of applicability of the changed traffic organization.

A detailed schedule of changes in the train timetable is provided in **Annex 5.2**.

7. For the lines to be covered by scheduled track possessions referred to in section 1 (1), PLK develops the RRJ based on the actual capacity of the respective lines. A list of lines without railway capacity or with restricted railway capacity is provided in **Annex 5.3**.
8. Other information on operational restrictions are specified in subchapters 3.4 – 3.4.4.

3.6. Service facilities

Information on service facilities is provided in the Regulations for granting access to the service facilities managed by PKP Polskie Linie Kolejowe S.A., which can be accessed at www.plk-sa.pl in the tab: *Dla klientów i kontrahentów / Warunki udostępniania infrastruktury i regulaminy / [Obiekty infrastruktury usługowej](#)* [For customers and partners / Terms of access to infrastructure and regulations / Service facilities].

3.6.1. Freight terminals and tracks for cargo handling operations

Loading tracks - detailed technical specifications are provided in **Annex 5** to the Regulations for granting access to the service facilities managed by PKP Polskie Linie Kolejowe S.A.

3.6.2. Marshalling yards and train formation facilities, including shunting facilities

Marshalling yards - detailed technical specifications are provided in **Annex 3** to the Regulations for granting access to the service facilities managed by PKP Polskie Linie Kolejowe S.A.

3.6.3. Storage sidings

Stabling tracks - detailed technical specifications are provided in **Annex 4** to the Regulations on granting access to the service facilities managed by PKP Polskie Linie Kolejowe S.A.

3.6.4. Maintenance facilities

The service facilities offered by PLK do not include any equipment for maintenance of rail vehicles.

3.6.5. Other technical facilities, including cleaning and washing facilities

The service facilities offered by PLK do not include any rolling stock cleaning equipment.

3.6.6. Maritime and inland port facilities

The service facilities offered by PLK do not include any equipment in sea and inland ports.

3.6.7. Relief facilities

The service facilities offered by PLK do not include any rescue equipment.

3.6.8. Refueling facilities

The service facilities offered by PLK do not include any fuel supply equipment.

3.7. Service facilities not managed by PLK

Information on service facilities not managed by PLK but connected to PLK's network, including addresses of websites where access rules to service facilities are available, is included in **Annex 2.9**.

The above-mentioned annex contain information on service infrastructure objects acquired by PLK or provided by operators, pursuant to Article 36f, par. 3(2) of the [Act](#).

3.8. Infrastructure development

A list of reclamation or modernisation works related to the railway infrastructure managed by PLK, the purpose, material scope and financing sources and a general schedule of individual tasks are available at:

<http://www.plk-inwestycje.pl>

4. CAPACITY ALLOCATION

4.1. Introduction

1. The capacity is allocated based on applications submitted by the applicants who concluded the Contract of Allocation.
2. The applications referred to in section 1 may concern the allocation of railway capacity for a train path, shunting operations or stabling of a train set regarding the allocation of new railway capacity or the modification of the railway capacity allocated.
3. In its application for capacity allocation, the applicant may indicate related applications which needs to be implemented for the allocation of the requested train path.
4. PLK does not allocate capacity to any related applications if no capacity has been granted for at least one of them.
5. The applicant may not submit an application for capacity allocation concerning various types of capacity if they are not related to subsequently performed activities associated with a set of rail vehicles.
6. An application submitted by an applicant may refer to other applications for allocation of capacity which is immediately prior to that requested for the same set of rail vehicles.
7. PLK accepts only such applications which:
 - 1) were submitted by applicants who concluded a Contract of Allocation with PLK;
 - 2) were submitted within the time limit prescribed in the Network Statement;
 - 3) contain information referred to in § 4 (1)-(4) and § 5 (1) of the [Regulation](#).
8. The applications which do not meet the requirements referred to in section 7 (1) and (2) are returned immediately to the respective applicants, including a statement of reasons for inadmissibility of the application.
9. The applications which do not meet the requirements referred to in section 7 (3) are returned by PLK to the respective applicants who are required to complete their applications within 5 working days.
10. The failure to submit additional information referred to in section 9 provides the basis for refusing to consider an application for allocation of railway capacity.
11. Notifications concerning the non-availability of railway capacity due to non-scheduled railway infrastructure maintenance works are posted by the infrastructure manager via the ISZTP or OCTOPUS interface in the passive part.
12. During examination of applications for allocation of capacity for RRJ routes, PLK takes into account a threshold amount of 70% of capacity use by an applicant, in the last completed annual train timetable.

13. In case of congestion of a infrastructure section, the volume of train path usage for at least one month in the current train timetable, below the 90% threshold, authorizes PLK to refuse train path allocation to the applicant on this section, unless the use below the threshold took place due to non-economic factors, which the applicant had no influence on. In such case the applicant is obliged to demonstrate PLK the circumstances affecting the use of railway network capacity below specified threshold.
14. Applications for the development of reference paths should be submitted in accordance with the rules specified in subsections 4.1. - 4.2. from 20 to 31 December 2019. A detailed schedule for the development of the reference paths is included in **Annex 8.1**.

4.2. Description of the process

4.2.1. Submitting applications for train path allocation

1. Applications for capacity allocation for a train path (hereinafter the “application for train path allocation”) are submitted in electronic format according to the procedure described below via the ISZTP at <https://skrij.plk-sa.pl> or via the OCTOPUS interface in the active part developed by PLK.

The rules for gaining access to the services are described in **Annex 6.2**.

2. The access to the system is granted after submitting an application for granting access to the ISZTP / OCTOPUS in accordance with the template attached in **Annex 6.2** to:

PKP Polskie Linie Kolejowe S.A.
Centrum Zarządzania Ruchem Kolejowym

03-734 Warszawa, ul. Targowa 74

e-mail: idoi@plk-sa.pl

municipal tel.: (+48) 22 473 23 94 or (+48) 22 473 37 89

railway tel.: (922) 473 23 94 or (922) 473 37 89

municipal fax: (+48) 22 473 23 59; railway fax: (922) 473 23 59.

3. Having been granted access to the ISZTP / OCTOPUS, information concerning the first activation is to the applicant's e-mail address indicated in the application.
4. The applicant must log into the system within not more than 3 months from the date of granting access or the last login date. After this deadline has passed, another application for granting access to the ISZTP / OCTOPUS should be submitted.
5. The responsibility for securing a password and information uploaded to the ISZTP / OCTOPUS lies with the applicant.
6. Applications for train path allocation are only considered if they contain information indicated in the template provided in **Annex 6.3**.

7. In the application for train path allocation, an applicant who is not a railway undertaking shall indicate the railway undertaking entitled to use the capacity allocated to the applicant – subject to subchapter 4.3.1. paragraphs 7-8.
8. For railway passenger transport services, the applicant has to indicate the basis for such services in accordance with the completion instructions.
9. The applications for train path allocation are based on the classification of trains provided in **Annex 6.3**.
The passenger trains stabling interval requested by the applicant must not be shorter than that indicated in § 19 (7) of the Train Timetable Instruction Ir-11 attached in **Annex 3.2**.
10. Train connections are determined in accordance with § 22 of the Instruction for train timetables Ir-11. To enable connecting and switching train sets, the applicant indicates in the ISZTP the trains which are to be connected or switched between train sets. Only the trains designated in the ISZTP are considered to be connected and those which are subject to train set switching operations. Train set connecting and switching operations in the ISZTP may be requested by the applicants from the date of dispatch of the draft:
 - 1) RRJ to the date referred to in **Annex 8**;
 - 2) ZRJ up to 21 days before the first day of the ZRJ application.
11. The date of submission of an application for train path allocation is the date when the applicant uploads the application to the ISZTP or OCTOPUS interface in the active part.
12. In case of failure of ISZTP due to reasons beyond the applicant's control, PLK Railway Traffic Management Centre informs the applicants about anticipated difficulties and application procedure without ISZTP participation.
13. Together with the access to ISZTP, the applicant gains access to the database of traction vehicles for which PLK has traction characteristics.
The list of registered traction units is attached as **Annex 13**.
14. If it is planned to use a new motive power unit, an application for registration of a motive power unit should be submitted within at least 7 calendar days before the planned submission of an application for train path allocation using the template provided in **Annex 6.6** in electronic format to the following address:
id@plk-sa.pl
15. Applications for train path allocation for priority carriage services related to the national defence should be submitted in sufficient time to enable the preparation of a train timetable and its submission to the applicant.
16. Before submitting an application for allocation of train paths for international rail carriage of people, which includes the right to provide travelers with the possibility of getting on and off on stations within PLK's network, an applicant based outside the Republic of Poland is required to submit a decision issued by the President of UTK on granting open access to a given international train path to the address indicated in subsection 2.2.2. (2).

17. The preliminary international train routes and reserve capacity on lines included in the rail freight corridors referred to in sub-chapter 1.9. are allocated by C-OSS. The rules and procedures for allocating train routes via C-OSS are published in CID documents for individual corridors. Detailed information is available in English on the following websites of corridors: www.rfc5.it, www.rfc8.eu and www.rfc-amber.eu.
18. Applications for allocation of capacity for train paths within RRJ on railway lines:

Line no.	Line name
202	Gdańsk Główny - Stargard
213	Reda - Hel

should be submitted separately in two variants of the running dates:

- 1) applications outside the summer season, i.e. from 13 December 2020 to 25 June 2021 and from 1 September 2021 to 11 December 2021;
- 2) applications in the summer season, i.e. from 26 June 2021 to 31 August 2021.

4.2.2. Submitting applications for capacity allocation for shunting or stabling operations

1. A request for capacity for manoeuvring or parking shall be made electronically, as specified below, through the module for capacity requests regarding manoeuvres and stops ("Moduł do składania wniosków o przydzielenie zdolności przepustowej – manewry i postoje") of ISZTP.
2. The access to the module referred to in section 1 is granted after submitting an application using the template attached in **Annex 6.2** (Application for granting access to the Internet-Based Train Path Allocation System (ISZTP) "Zamawiaj i Jedź") to the following address:

PKP Polskie Linie Kolejowe S.A.

Centrum Zarządzania Ruchem Kolejowym

03-734 Warszawa, ul. Targowa 74

e-mail: idoi@plk-sa.pl

tel.: (00 48) 22 473 23 94 or (00 48) 22 473 37 89

railway tel.: (922) 473 23 94 or (922) 473 37 89

municipal fax: (00 48) 22 473 23 59; railway fax: (922) 473 23 59

3. Having been granted access to the ISZTP, information concerning the first activation is to the applicant's e-mail address indicated in the application.
4. The applicant must log into the system within not more than 3 months from the date of granting access or the last login date. After this deadline has passed, another application for granting access to the ISZTP should be submitted.
5. The responsibility for securing a password and information uploaded to the ISZTP, including the module "Moduł do składania wniosków o przydzielenie zdolności przepustowej – manewry i postoje", lies with the applicant.

6. Applications for capacity allocation for shunting or stabling operations are accepted only if they contain information referred to in **Annex 6.5**, where:
 - 1) sections A, B and C must be completed for shunting operations;
 - 2) sections A, B and D – for stabling operations.
7. One application for capacity allocation for shunting and stabling operations is acceptable if it refers to one station, according the possibilities provided in the module “Moduł do składania wniosków o przydzielenie zdolności przepustowej – manewry i postoje”.
8. The application referred to in section 6 should be submitted no later than 30 minutes before the execution of shunting or stabling operations.
9. In the event of a system failure or specific operational conditions, which could not have been foreseen in advance, the demand for shunting or stabling operations should be reported by railway undertaking’s staff directly to a traffic controller. This notification is submitted via a radiotelephone.
10. PLK may refuse to accept an application if there is no more available railway capacity in a given location.
11. It is not necessary to submit applications for capacity allocation for shunting operations aimed at changing the train head or stabling operations if such operations arise from the implemented timetable or operation disruptions.
12. It is allowed to apply for allocation of capacity to perform shunting or stabling for the entire working timetable period.

4.3. Schedule for submitting applications and allocating train paths

4.3.1. Annual train timetable

1. PLK prepares a draft version of RRJ based on applications for train path allocation concerning trains meeting the requirements of subsections 4.1 - 4.2 according to the following schedule:

Type of path	Deadlines	
	from	to
INTERNATIONAL, MULTI-NETWORK AND FRAMEWORK PATHS Types of trains (according to Annex 6.3)		
passenger, freight and empty train sets and locomotives	23 March 2020	14 April 2020
SINGLE-NETWORK PATHS Types of trains (according to Annex 6.3)		
passenger trains	30 March 2020	14 April 2020
freight trains, non-commercial passenger trains and locomotives for passenger transport	25 May 2020	5 June 2020
Other locomotives	1 July 2020	3 July 2020

Type of path	Deadlines	
	from	to
IRJ PATHS for the period of applicability of the RRJ		
passenger, freight and non-commercial passenger trains and locomotives	7 July 2020	14 September 2020

2. PLK prepares draft RRJ taking into account the following order:
 - 1) limitations arising from:
 - a) the need to ensure capacity for the maintenance of the railway infrastructure,
 - b) possibility of relocating initially agreed international train paths within the freight transport corridor;
 - 2) priority of privileged traffic on railway line sections referred to in Article 29b of the [Act](#);
 - 3) using the railway capacity as well as possible;
 - 4) priority given to train paths included in published transport plans;
 - 5) priority of passenger transport;
 - 6) priority in development of train paths ordered by applicants, within given train category referred to in par. 3, who met requirements within the scope of the threshold for use of train paths established by manager, referred to in subchapter 4.1. par. 12, in the last completed period of annual train timetable;
 - 7) priority in the development of train paths, which are to operate according to the regular-interval timetable as indicated by the applicant in its application;
 - 8) priority is given to train paths for which a greater number of travel days was planned;
 - 9) where possible, all and any restrictions applicable to the applicants, including economic effects on their business operations;
 - 10) provisions of international agreements, cross-border agreements and minutes of international meetings, in particular those concerning paths for international trains.
3. When developing the RRJ and considering all the priorities referred to in section 2, PLK additionally allows for the following train priorities:
 - 1) express passenger trains (EC, EN, EI) and international trains (MM, RM);
 - 2) passenger interregional and regional trains for commuters, i.e. arriving at the designated final station or another station indicated by the railway undertaking along the travel path of the train between 5:30 a.m. and 8:30 a.m., and departing from the initial station or another station indicated by the railway undertaking along the travel path of the train between 2:30 p.m. and 5:30 p.m.;
 - 3) other passenger inter-provincial and provincial;

- 4) freight trains;
- 5) empty passenger train sets and locomotives.
- 4. A detailed RRJ development schedule is provided in **Annex 8.1** "Development schedule for the 2020/2021 annual timetable".
- 5. PLK does not allocate capacity for railway line sections, where, due to planned modernization, revitalization, maintenance and repair works, there will be restrictions in train traffic – indicated in **Annex 5.3**.

On lines where there are 24-hour traffic interruptions, not covering the whole timetable, indicated in **Annex 5.3**, separate applications should be submitted which take into account traffic interruptions and applications with running time outside the traffic interruption.

In case when PLK, after considering application for allocation of capacity within RRJ or RRJ update, finds that the submitted applications cover line sections indicated in **Annex 5.3** and it is not possible to allocate the requested capacity, it will inform the applicant about this fact, indicating the date by which the applicant has the possibility to submit a new or corrected application for allocation of train paths within the scope not covered by restrictions indicated in **Annex 5.3**.

Failure to submit the application corrected by the applicant within 14 days shall result in the non-allocation of capacity on the section of railway line indicated in **Annex 5.3** and the designation of these applications as "BUS".

- 6. In the event that PLK, when preparing a train timetable according to submitted applications for train path allocation, finds that such applications have not been properly completed, including in particular excessive axle loads during traction assessment calculations, it informs the applicant thereof, indicating alternative train paths.

The applicant is required to submit any necessary additional information and corrections within 5 working days.

- 7. An applicant which is not a railway undertaking shall indicate the railway undertaking entitled to use the allocated capacity in time which enables the railway undertaking to authorise the application in accordance with the time-limits laid down in **Annex 8.1**, but no later than by 5 June 2020.
- 8. In case when, at the moment of submitting an application for allocation of train paths within the annual timetable by an applicant who is not a railway undertaking, the railway undertaking to which the applicant intends to commission the transport service covered by the application is not known, the applicant shall mark the option "unknown railway undertaking" in the application. Applicants who are not railway undertakings shall be given the opportunity to indicate the railway undertaking concerned in time which enables the railway undertaking to authorise the application in accordance with the time limits set out in **Annex 8.1**, but no later than by 5 June 2020.
- 9. After allocation of train paths within RRJ or RRJ update, an applicant who is not a railway undertaking may, through the ISZTP tab referred to in subchapter 4.3.3.3.

par. 2, change the railway undertaking indicated to use the capacity on the basis of a given application, to another railway undertaking.

An applicant who is not a railway undertaking in its application for a change of railway undertaking shall indicate the date on which the allocated capacity for further use by the newly designated railway undertaking will be transferred and thereby cancel the route authorisation of the railway undertaking originally designated to use the capacity.

10. The newly designated railway undertaking must authorise the acceptance of the route to be used at least:
 - 1) 40 days before the date of planned train starting – in the case of passenger transport services performing transport the timetable of which is to be made public;
 - 2) 7 days before the day of planned train starting – in the case of passenger transport services performing occasional transport;
 - 3) 24 hours before planned train starting – for freight train paths, non-commercial passenger trains, light locomotives.
11. PLK develops a draft RRJ and submits the relevant part thereof to the applicant for acceptance within the limits prescribed in **Annex 8.1**.
12. Applicants are required, within 1 month from the date of receipt of the draft RRJ referred to in section 11, to accept it, submit comments or proposals for amendments to the draft timetable to the extent that it does not meet the requirements specified in their applications. Comments to the draft RRJ should be submitted in tabulated form according to the template provided in **Annex 8.2** as well as sent in an editable file format (MS Excel) to the following e-mail address:

id@plk-sa.pl

If no opinion is submitted within the above time limit, the draft RRJ is considered to have been accepted without reservations.

13. PLK considers the comments and proposals for changes to the draft RRJ.

In the event that PLK is unable to allow for comments or suggested changes referred to in section 12, it informs the applicant thereof no later than within 14 working days from the date of receipt of such comments or suggested amendments to the draft RRJ.

The applicant may withdraw, within 5 working days, its application for train path allocation, for which the draft RRJ does not meet specific requirements, and applications which are not withdrawn are considered by PLK to have been accepted.

In the event that PLK decides to allow for comments or suggested changes referred to in section 12, it agrees with the applicant the draft train timetable no later than within 14 working days from the date of receipt thereof.

14. PLK develops the RRJ taking into account the approved draft train timetables.
PLK informs the applicant of allocated train paths no later than by 14 September 2020. The Notification of allocated train paths is sent only if the applicant has accepted the train paths by their authorisation in the ISZTP before 4 September 2020.
Routes without the applicant's authorisation will not be included in the Notification of Allocated Paths.
15. PLK enables the interested applicants and railway undertakings to download the established train timetable in electronic format from the ISZTP at www.plk-sa.pl starting from 15 September 2020.
PLK allows the applicant and railway undertaking to use files provided in electronic format.
16. PLK allows applicants to access the timetable being developed as needed via the ISZTP.
17. Contact details to obtain information on the implementation of applications for allocation of train paths:
 - 1) in national passenger traffic:
e-mail: wnioski.pas@plk-sa.pl
city phone no.: (+48) 22 473 20 17; railway phone no.: (922) 473 20 17
city fax: (+48) 22 473 23 59
 - 2) in international passenger traffic:
e-mail: miedzynarodowe.pas@plk-sa.pl
city phone no.: (+48) 22 473 28 76; railway phone no.: (922) 473 28 76
city fax: (+48) 22 473 23 59
 - 3) in freight traffic:
e-mail: wnioski.tow@plk-sa.pl
city phone no.: (+48) 22 473 32 08; railway phone no.: (922) 473 32 08
city fax: (+48) 22 473 23 59

4.3.2. Schedule for submitting applications for train path allocation as part of the individual timetable - outside the annual timetable

1. The applications for train path allocation as part of the IRJ can be submitted from 7 July 2020 via ISZTP, in accordance with the rules specified in subchapters 4.1 – 4.2:
 - 1) for domestic train paths no later than:
 - a) 40 calendar days before the scheduled date of departure for passenger trains,
 - b) 7 calendar days before the scheduled date of departure for occasional passenger trains,
 - c) 5 working days before the scheduled date of departure for freight trains, non-commercial passenger trains, light locomotives;

- 2) for international train paths, which need to be agreed with foreign railway infrastructure managers, the applicant is required to submit via the ISZTP or OCTOPUS interface in the active part, through PLK's regional Railway Traffic Management Centre, competent for the cross-border station, under the supervision of a One Stop Shop (OSS) unit, not later than:
 - a) 40 calendar days before the scheduled date of departure for passenger trains,
 - b) for freight trains and non-commercial passenger trains:
 - 7 working days before the planned departure for train travel involving the use of the adjacent network of a foreign railway infrastructure manager affiliated with the RNE + 2 working days per each subsequent railway infrastructure manager affiliated with the RNE,
 - 20 working days before the planned departure for train travel involving the use of the adjacent network of a foreign railway infrastructure manager not affiliated with the RNE or 25 working days before the planned starting date of train travel involving the use of networks administered by more than one foreign railway infrastructure manager not affiliated with the RNE.
2. An applicant who is not a railway undertaking, when submitting an application for train path allocation, indicates the railway undertaking who is to provide the transport services and the railway undertaking is obliged to authorize the application within the time limits indicated in par. 1. The application without the authorisation of the railway undertaking will not be submitted for the preparation of the timetable.
3. As far as possible, PLK accepts applications for train path allocation for freight or non-commercial passenger train, for preparation of the IRJ for a single train travel after the period referred to in par.1 (1) (c) and 2 (b), and the date of submission of the application must enable PLK to provide the applicant with a draft timetable or informing it that it is impossible to implement the application for train path allocation no later than 2 hours before the planned activation of the train or light locomotive - subject to par. 2.
4. If an application for train path allocation according to the IRJ is submitted at least 72 hours before the planned departure of the train, the applicant is guaranteed by PLK to receive a finalized IRJ or notification of the impossibility of implementing the application no later than after 36 hours from the date of submission of the application.
5. PLK does not allocate capacity to applications submitted with respect to the IRJ within less than 6 hours before the planned activation of the train (including passenger non-commercial) or 2 hours in the case of applications concerning the transport of light locomotives.
6. Applications for train path allocation as part within IRJ for the duration of RRJ, submitted within the time limit referred to in subsection 4.3.1. (1), PLK develops a

timetable and sends the prepared timetable to the applicants within the period from 15 September 2020 to 21 September 2020. In the case of applicants who are not railway undertakings, the application should be authorised by the railway undertaking indicated in the application until 14 September 2020. The application without the authorisation of the railway undertaking will not be submitted for the preparation of the timetable.

7. Applications for allocation of train path within IRJ with running time from 13 June 2021 to 11 December 2021, submitted after 22 January 2021, PLK considers after making available to applicants changes in timetable (update from 13 June 2021), i.e. from 5 March 2021 to 11 March 2021. In case of applicants who are not railway undertakings, the application should be authorised by the railway undertaking indicated in the application until 4 March 2021. The application without the authorisation of the railway undertaking will not be submitted for the preparation of the timetable.
8. The period when changes to the timetable are being prepared, i.e. between the deadlines indicated in **Annex 5.2**, in columns 'START DATE' and 'END DATE', involves some restrictions on allocating capacity according to IRJ applications.
9. When submitting an application for train path allocation as part of IRJ, an applicant may select the 'draft acceptance' option, that means the applicant will have a chance to accept timetable or make comments. If the option is not selected, the draft timetable will be automatically accepted, and the timetable will be implemented within 5 minutes after the draft timetable is developed.
10. Requests for allocation of train paths within IRJ are considered within available capacity, taking into account the following order:
 - 1) the obligation to provide transport services, as laid down under the transport law;
 - 2) limitations arising from:
 - a) the need to ensure capacity for the maintenance of the railway infrastructure,
 - b) possibility of relocating initially agreed international train paths within the freight transport corridor;
 - 3) using the railway capacity as well as possible;
 - 4) scheduled date of travel;
 - 5) the order of the submission of applications.
11. PLK prepares the draft IRJ no later than within 5 working days from the date of submission of the application.
12. The time limit referred to in section 11 can be extended:
 - 1) in the case of applications concerning international and multi-network paths on account of the time needed by railway infrastructure managers to agree a train timetable for the interface points between the railway lines;

- 2) in coordination with the applicant, for train paths which require detailed arrangements (e.g. occasional trains for mass events);
 - 3) if it is necessary to determine changes to the secondary train paths allocated to other applicants.
13. The draft IRJ is submitted to the applicant at the time of approval of the final path via a notification in the ISZTP.
14. As far as the applications referred to in sections 1 and 12 are concerned, PLK informs the applicant within 5 working days if the application meets the formal requirements and sets the deadline for preparation of draft IRJ.
15. If it is not possible to establish the IRJ based on an application for train path allocation, PLK provides the applicant with an alternative solution (e.g. an alternative train path, as short as possible and with parameters similar to those requested, according to another time frame) and prepares the IRJ in coordination with the applicant.
16. The draft timetable, for which the applicant has selected the 'draft acceptance' option, should be accepted within 6 calendar days, and in the case of an application for a train route, submitted by the applicant less than 6 days before the scheduled start of the train - not later than 2 hours before the scheduled departure. If an application is not accepted and rejected by PLK, the applicant is required to pay a fee for the processing of the application for capacity allocation. As soon as the allocated path is accepted, it is automatically sent to the applicant.
17. After allocation of train paths within IRJ, an applicant who is not a railway undertaking, through ISZTP tab referred to in subchapter 4.3.3.3. par. 2, may change the railway undertaking, indicated to use the capacity allocated to the applicant on the basis of a given application, to another railway undertaking.
An applicant who is not a railway undertaking in its application for a change of railway undertaking shall indicate the date on which the allocated capacity for further use by the newly designated railway undertaking will be transferred and thereby cancel the route authorisation of the railway undertaking originally designated to use the capacity.
18. The newly designated railway undertaking must authorise the acceptance of the applicant's application for implementation at least:
 - 1) 40 days before the date of planned train starting - in the case of passenger transport services performing transport the timetable of which is to be made public;
 - 2) 7 days before the day of planned train starting - in the case of passenger transport services performing occasional transport;
 - 3) 24 hours before planned train starting - for freight train paths, non-commercial passenger trains, light locomotives.
19. PLK does not prepare a simplified timetable within the meaning of Article 30 section 10 of the [Act](#). On the basis of applications submitted later than 5 days

before planned train start, PLK prepares the train timetable in accordance with rules applicable for IRJ.

20. PLK enables preview of traffic charts in ISZTP in order to provide applicants with information about capacity available in IRJ.

4.3.3. Changes in the Network Train Timetable

1. Changes in the timetable may include:
 - 1) preparing proposals of changes to allocated train paths, which need to be modified due the changes in the railway infrastructure parameters;
 - 2) examination of applications for train path allocation, which refer to modifications of allocated train paths;
 - 3) preparation of proposals of changes for the allocated train paths, which are possible due to changes in the railway infrastructure parameters or the changes referred to in sections 1 and 2;
 - 4) examination of applications for allocation of new train paths.

4.3.3.1. Changes relating to applications for train path allocation (Timetable update)

1. The timetable applicable as of 13 June 2021 is updated by PLK according to the following schedule:

No.	Specification	Deadline
1	Submission of applications for train path allocation	11 - 22 January 2021
2	Development of a train timetable based on submitted applications for train path allocation	25 January - 12 February 2021
3	Submission of the draft train timetable	15 February 2021
4	Analysis and submission of comments to the draft train timetable	16 - 19 February 2021
5	Implementation or refusal to implement comments and suggested changes	22 February - 1 March 2021
6	Acceptance of the train timetable	2 - 3 March 2021
7	Implementation of the train timetable	4 March 2021
8	Operational period of trains	13 June - 11 December 2021

2. PLK makes additional RRJ updates for freight trains according to the available capacity based on the following schedule:

No.	Specification	Deadlines			
1	Submission of applications for train route allocation	16 - 17 November 2020	4 - 5 May 2021	1 - 2 June 2021	4 December 2020 (*)

No.	Specification	Deadlines			
		18 - 24 November 2020	5 - 12 May 2021	4 - 10 June 2021	7 - 11 December 2020 (*)
2	Development of a train timetable based on submitted applications for train path allocation	18 - 24 November 2020	5 - 12 May 2021	4 - 10 June 2021	7 - 11 December 2020 (*)
3	Submission of the draft train timetable	25 November 2020	13 May 2021	11 June 2021	14 December 2020 (*)
4	Analysis and submission of comments to the draft train timetable	26 - 27 November 2020	14 - 17 May 2021	14 - 15 June 2021	15 - 17 December 2020 (*)
5	Implementation or refusal to implement comments and suggested changes	30 November - 2 December 2020	18 - 21 May 2021	16 - 18 June 2021	18 - 21 December 2020 (*)
6	Acceptance of the train timetable	3 December 2020	24 May 2021	21 June 2021	22 December 2020 (*)
7	Implementation of the train timetable	4 December 2020	25 May 2021	22 June 2021	23 December 2020 (*)
8	Operational period of trains	5 April - 11 December 2021	6 September - 11 December 2021	4 October - 11 December 2021	1 February - 11 December 2021 (*)

(*) Adjustments are made based on IRJ applications.

3. The updating procedure involves:

- 1) preparing proposals of changes to allocated train paths, which need to be modified due the changes in the railway infrastructure parameters (PLK will enable generating a report from the ISZTP concerning changes in the train timetable due to changes in the railway line parameters);
- 2) examination of applications for allocation of new train paths;
- 3) examination of applications for train path allocation, which refer to modifications of allocated train paths by:
 - a) shortening the train path, provided that 30% of the original train path remains unchanged and the application continues to be valid from the date of update,
 - b) to extend the train path, provided that no declaration of abandonment of the application is submitted before the date of update,
 - c) changes in the dates and duration of closures,
 - d) changes in the train length, maximum axle load and gross weight,
 - e) changes in the series of a powered railway vehicle,

- f) changes in the declared percentage of the braking mass,
 - g) changes in the train speed,
 - h) travel partly by a different path, provided that 30% of the original path remains unchanged.
- 4. PLK allows modifying applications for train path allocation, except for cancellations, which can only be submitted in accordance with the procedure described in subchapter 4.6.
- 5. PLK examines applications for train path allocation, submitted within the time limits referred in sections 1 and 2, via the ISZTP in accordance with the rules specified in subsections 4.1. - 4.2.
- 6. The applications for train path allocation which relate to timetable changes are examined by PLK taking into account:
 - 1) priority of train paths allocated according to RRJ;
 - 2) in relation to paths allocated as part of the RRJ - the rules specified in subsection 4.3.1.;
 - 3) in relation to paths allocated as part of the IRJ - the rules specified in subsection 4.3.2.;
 - 4) for new paths - the rules specified in subsection 4.3.2.
- 7. In the event that changes are submitted in the RRJ update process and such changes result in modifications to timetables of other applicants, RRJ will be updated only if the interested applicants give their consent.
- 8. Under the RRJ update, applications for new capacity may be made within the framework of available capacity.
Applications submitted by an applicant who is not a railway undertaking shall be subject to the authorisation of paths by the railway undertaking designated to use the capacity, within the time limits for applications referred to in paragraphs 1 and 2 above.
- 9. Having received the draft timetable, the applicant accepts it or submits comments and proposals for changes. Comments or proposals of changes cannot refer to the elements which have not been included by the applicant in its applications for train path allocation. In the event that the applicant fails to present its position within the time limits indicated in section 1, PLK assumes that the draft amendments to the RRJ has been accepted without reservations.
- 10. In the event that PLK is unable to take into account all the comments or implement the changes referred to in section 7:
 - 1) PLK prepares a draft train timetable taking into account the applicant's requests and comments to the maximum possible extent;
 - 2) PLK notifies the applicant thereof;
 - 3) applicant accepts the draft referred to in section 1 or decides not to use, in whole or in part, the capacity allocated.

11. The applicant's refusal to accept the draft amendments to the train timetable to the extent referred to in section 10 (3) is equivalent to the applicant's abandonment of the applications submitted.
12. Based on the approved parts of the draft changes to the train timetable, PLK implements amendments to the train timetable.
13. PLK enables the interested applicants and railway undertakings to download train timetables in electronic format from the ISZTP at www.plk-sa.pl after the date of ordinance referred to in section 1 or 2.

4.3.3.2. Changes in which applications for train path allocation are not considered

1. PLK, within deadlines as specified in **Annex 5.2**, introduces changes in train timetable, necessary in relation to changes in railway infrastructure parameters, resulting from investments, overhauls or maintenance of railway lines.
2. During preparation of ZRJ, PLK, in agreement with the applicant, may introduce changes within the same segment of transport to improve coordination of connections and reduce difficulties for passengers, if these changes enable train passage instead of cancellation. Changes may concern:
 - 1) removal or adding commercial stops;
 - 2) changes to the train running hour within a time interval of +/- 60 minutes or, if this condition cannot be met, within the first possible time of available capacity;
 - 3) launching additional non-commercial passenger trains or bulk locomotives, necessary to maintain proper circulation of trainsets;
 - 4) changes in train type, length, gross weight of the train;
 - 5) change of train running time, when the train was cancelled within +/- 120 minutes or when the interval between the nearest trains was excessively extended.
3. In case of lack of capacity, PLK offers roundabout routes, including routes with extraordinary consignments, which after acceptance by the applicant will be automatically changed by PLK free of charge, together with preparation of permission for transport of extraordinary consignment on new route, without necessity to re-apply for permission.
4. After consultation with applicants PLK cancels trains which cannot be run on active track or on roundabout roads.
5. In case of collision of train paths with equal priorities, PLK adopts optimal solution in terms of railway line capacity utilization, i.e. gives priority to the applicant whose train will result in better utilization of railway line capacity, taking into account: journey time, period of running, planned operational work, route length, possibilities of tracing and influence on other sections of the network.
6. After starting the process of the ZRJ project development, the PLK notifies the applicant via e-mail about lack of capacity or capacity limitation.

If the applicant intends to introduce substitute transportation, the applicant shall, within 14 calendar days (at least 6 working days) of receiving the notification, provide information about the links, route length, journey times and dates of the means of substitute transportation.

In the case when timekeeping of substitute transport was not delivered, PLK reserves the right to train cancellation without accommodation of substitute transport organised by the applicant.

7. In accordance with the deadlines specified in **Annex 5.2**, the draft change of timetable in domestic or international passenger traffic shall be submitted to ISZTP by the Railway Traffic Management Centre to be agreed by ISZTP not later than 60 calendar days before the planned change date and separately to each of the applicants concerned. The applicant shall, within a maximum period of 10 calendar days and in accordance with the terms set out in **Annex 5.2**, agree on the draft or make comments or propose modifications.

Within 10 calendar days from receiving comments or proposals of changes to the ZRJ draft submitted by passenger applicants, PLK introduces them, corrects the platform edge occupation plan and, at the latest within 40 calendar days before entering into force, in accordance with **Annex 5.2** - adopts ZRJ. PLK transfers the established ZRJ to applicants via ISZTP and notifies them about it by e-mail.

8. In accordance with **Annex 5.2**, the amended timetable draft for freight trains shall be submitted to ISZTP by the Railway Traffic Management Centre to be agreed by ISZTP for approval by ISZTP no later than 35 calendar days before the planned change date and separately to each of the applicants concerned. No longer than within 14 calendar days, the applicant agrees on the project or submits comments or proposes changes.

PLK introduces changes to ZRJ drafts submitted by freight applicants within 5 calendar days from their receipt and adopts ZRJ. The developed ZRJ PLK provides applicants with information via ISZTP and notifies them by e-mail.

9. In case when PLK is not able to take into account applicant's comments on proposed changes, the applicant accepts changes proposed by PLK as optimal solution in specified conditions or resigns from proposed capacity in whole or in part, which results in train cancellation in whole or in part.

In case when the applicant does not agree on proposal of changes without justified reason or presents conditions impossible to meet due to technical and operational reasons, PLK has the right to treat ZRJ as binding. The applicant has right to demand from PLK to provide and justify the reasons, which conditions presented by him were considered impossible to meet.

No response from the applicant is tantamount to accepting the submitted proposal and agreeing to the timetable without comments.

10. In case of international routes PLK acknowledges ZRJ (including roundabout routes) with foreign infrastructure managers (DB, SZDC, ZSR, BC, UZ, LG, RZD).

11. In case of necessity to correct ZRJ, PLK provides applicants with information about changes in train timetable, along with the specification of time limits for their agreement or submission of comments. This period shall be at least 24 hours from the moment of providing information, unless PLK agrees a shorter period with the applicants. Lack of information from applicants within the agreed term shall be treated as lack of comments on the proposal to correct the timetable. The provisions of paragraph 9 shall apply accordingly.

4.3.3.3. Modification of allocated capacity

1. PLK allows applicants to request a modification of allocated capacity.
2. Modification of allocated capacity is possible exclusively by submitting application through ISZTP through the tab „Modyfikacja przydzielonej zdolności przepustowej” or OCTOPUS interface in the active part.
3. In the case of the application referred to in par. 2, the applicant indicates the application to be modified and the scope of proposed modification.
4. PLK examines applications for modification of allocated capacity submitted within updating of annual timetable, in deadlines and in scope indicated in subchapter 4.3.3.1 and outside deadlines of updating of annual timetable, in scope:
 - 1) change of type of motive power unit;
 - 2) increase in gross weight of the train (for freight trains not more than 1000 tons);
 - 3) changes in train length;
 - 4) change of maximum axle load;
 - 5) change of train type.
5. The modification causing changes in journey times, will be introduced within free capacity, or after the concerned applicants' consent for introducing secondary changes to the train paths conflicting to the modified path.
6. Modification that does not change journey times will be automatically introduced and the applicant shall immediately receive a timetable for the changes made.
7. In the case of modification of the allocated capacity, the applicant does not resign from the allocated train path and PLK does not levy a reservation charge.
8. Acceptance by the applicant of the capacity allocated on the basis of the application referred to in para. 2, is equivalent to the applicant's resignation from the previously allocated capacity within the scope of the original application.
9. Reduction of train weight does not require submission of application for train path modification, but PLK allows submitting application for such modification until the moment the train starts.
10. PLK, during RRJ, if free capacity exists, allows applicants providing passenger service, whose scheduled timetable is to be published 40 calendar days prior to planned date of train departure, to make the following modifications:
 - 1) merging train routes;

- 2) adding halts in the existing train path;
 - 3) removing halts from the existing train path.
11. Applications for modification of allocated capacity shall be received from 3 November 2020.

4.3.4. Catalogue paths

1. The timetable for domestic train paths from PLK Catalogue may be prepared and provided by ISZTP on www.plk-sa.pl.
2. The PLK catalogue in international traffic may be prepared, in consultation with other concerned managers, for the purpose of implementing the request for allocation of international paths.
3. Access to ISZTP is granted in accordance with the rules set out in subchapter 4.2.
4. The application for train path allocation from PLK Catalogue must be submitted exclusively by ISZTP.
5. The applicant receives confirmation of submitting an electronic application for the allocation of a train path from the PLK Catalogue using ISZTP.
6. Train journeys using train paths from PLK Catalogue are executed on the basis of subchapter 7.1 and subchapter 4.2.1.

4.3.5. Timetable study

1. The application for preparation of train timetable study shall be submitted according to principles referred to in subchapters 4.1. - 4.2.
2. The train timetable study does not guarantee train path allocation.
3. PLK provides the applicant with prepared timetable study, not later than 7 calendar days after submission of application for preparation of train timetable study by ISZTP or OCTOPUS interface in the active part or notifies him about impossibility of such solution.

4.3.6. Use of lines/line sections for which a timetable is not prepared

1. The use of lines/line sections, for which, timetable is not prepared due to technical condition of the line, is executed according to the principles included in par. 2-7.
2. The railway undertaking applies to relevant PLK's railway lines plant for use of lines/sections, for which maximum technical speed included in **Annexes 2.1 (P), 2.1 (A), 2.1 (T)** is 0 km/h, and this plant is obliged to consider application within period no longer than 5 calendar days from the submission date, provided that applicant meets requirements described in par. 3.
A written application which does not meet the requirements referred to in par. 3, gives no right to any claims to PLK concerning journeys preparation on lines/line section listed in the application.
3. The railway undertaking's application for use of lines/line sections referred to in par. 1 must include in particular:

- 1) indication of the PLK railway lines plant to which the line/line section belongs; when the line/line section belongs to two or more railway lines plants, the application can be submitted to any of them;
 - 2) the name, headquarters and address of the applicant (railway undertaking);
 - 3) the date of preparing the application;
 - 4) the specification of lines/line sections requested by the railway undertaking to be used;
 - 5) the time period of use of lines/line sections for train journeys;
 - 6) a description of type of goods;
 - 7) a declaration of volume of operational performance in gross-tonne-kilometres (btkm) and trainkilometres (pockm) on the line/line section requested by the railway undertaking;
 - 8) indication of the parameters of the railway undertaking's trains, in particular: train type, traction, expected parameters i.e. average gross weight, number of wagons and train length, axle load, maximum speed;
 - 9) suggestion of traffic schedule, allowing execution of journeys at the requested lines/line sections or on adjacent line sections.
4. After processing of technical, organisational, operational and economic aspects – in agreement with the railway undertaking on technical and operational conditions and coverage of expenses connected with it – the relevant PLK railway lines plant, prepares regulations concerning traffic management on the line/line section for which timetable is not prepared. The above-mentioned regulations will be prepared in accordance with rules and conditions of railway traffic management specified in [Decree of the Minister of Infrastructure of 18 July 2005 on general conditions concerning railway traffic management and signalling](#), as well as PLK's internal regulations indicated in **Annexes 3.1 and 3.2**.
 5. Preparation costs of regulations concerning traffic management on the line/line section for which timetable is not prepared are borne by the railway undertaking.
 6. Regulations concerning traffic management on line/line section for which a timetable is not prepared – developed in a way described above and approved according to PLK's internal regulations – are the basis for preparing access contract for use of the line/line section for which a timetable is not prepared.
 7. In the contract referred to in par. 6, an access charge for use of the line/line section for which a timetable is not prepared, is determined on the basis of separate calculation, including:
 - 1) the necessary costs of adaptation of the line/line section to traffic operations;
 - 2) operational and maintenance costs of the line/line section in the part that is recognised as a direct result of a particular train journey.

In the case of later use of these sections in the duration of a given train timetable by other railway undertakings, part of these costs will be proportionally reimbursed to the first one who paid for the whole preparation of the line/section.

In the case of a line/line section where timetable preparation was possible during the last timetable period, the unit rates of basic charge for minimum access to railway infrastructure are applied.

4.4. Allocation process

4.4.1. Coordination process

1. For the purpose of coordinating train paths, PLK organises and participates in timetabling conferences with attendance of concerned passenger railway undertakings.

The arrangements from international conferences regarding timetables of international passenger and freight trains agreed with representative of PLK Railway Traffic Management Centre and representative of railway undertaking are binding.

The dates of timetabling conferences are given in **Annex 8.1**.

2. In the case of conflict occurred between submitted applications on train path allocation, PLK ensures the realisation of submitted needs as far as possible by carrying out consultation with interested railway undertakings, according to principles referred to in subchapter 4.4.2.
3. For multi-network train paths, PLK conducts the coordination process identical as for single-network train paths, taking into account arrangements within cooperation with other managers.
4. In case of difficulties in determination of multi-network train paths, PLK conducts agreements with other management boards and applicants in order to work out a compromise acceptable to all interested parties.
5. Within the framework of arrangements PLK may propose:
 - 1) modification of route parameters;
 - 2) change of train handover/receipt time at the interface with other manager;
 - 3) limiting or changing the dates of train running;
 - 4) modification of collision routes.

4.4.2. Dispute resolution process

1. In the case of conflict between train paths, a coordination process is carried out by PLK.

During the coordination process, PLK provides involved railway undertakings with essential information (in paper or electronic version) on requested conflicting paths, without disclosing the identity of all remaining railway undertakings unless they accept it, as well as on the criteria applied in the train paths allocation process.

PLK proposes solutions for resolving conflict, promptly after its revealing, respecting priorities in train paths allocation, included in subchapter 4.3.1 par. 2, which may consist of:

- 1) allocating another time system for the requested train paths;
- 2) preparing a timetable to run trains on different train path than indicated in the application for train path allocation;
- 3) shortening the time of journey through congested infrastructure section by decreasing a number of halts, their duration, decreasing the total weight of the train, using a motive power unit with better traction parameters;
- 4) applying:
 - a) variants of the timetable for colliding train paths on the days when they occur,
 - b) restrictions – for particular dates - on the circulation of specified trains.

PLK inform about the criteria to be taken into account in the process of allocating train paths and indicates applications for the allocation of train paths according to the priority in capacity allocation.

The proposed solutions are discussed during the coordination process.

The railway the undertaking may bring up comments and propose possible modifications regarding submitted applications, which are considered by PLK up to technical-operational capabilities.

A lack of the applicant's response within 5 working days from receiving from PLK information on a proposal of resolving conflict, shall be considered as acceptance.

In the case of a conflict between train paths belonging to the same railway undertaking or when it is impossible to fix planned trains connections – the railway undertaking's position is decisive.

As a result of coordination process, a compromise solution is developed.

2. The times for international trains admission and handover on border crossings are arranged at international conferences.

In the case of a conflict between international and domestic train paths, PLK proposes a solution respecting the principles of coordination referred to in par. 1.

3. If the process of coordination does not bring a solution which satisfies all the parties, PLK allocates the train path by taking into consideration the technical-operational conditions and best use of capacity on the available railway lines and the possibility of changing the times of reception or transfer of trains on the contacts between managers or border crossings.
4. In the event of difficulties in establishing paths for multi-network trains, PLK, together with the manager concerned, proposes a solution, taking into account the coordination rules referred to in paragraph 1. 1, while also taking into account the available capacity of both the first and the second manager.

The adopted solutions are submitted to the railway undertakings, as a timetable draft, for approval in accordance with subchapter 4.3.1.

5. In the case of capacity allocation disputes (applies to applications with the same routing priority), PLK:
 - 1) requests the interested applicants to present their position in the dispute within 4 working days;
 - 2) after receiving their position, the following positions will be analysed within 4 working days:
 - a) in the case of equal priorities, an analysis is made in terms of better use of the capacity; capacity is first allocated to paths with better use of capacity,
 - b) in the case of equal priorities and identical use of capacity, the analysis takes into account the parameters of the path such as gross and number of days of circulation; the capacity is first allocated to the path with more circulation days or higher gross,
 - c) if all the parameters are identical, first, the capacity is allocated to the applicant who has planned more paths on the given section of the railway line in the previous timetable;
 - 3) informs the applicants of the resolution reached no later than 10 working days after the date of receipt of the dispute information regarding the allocation of capacity.

4.4.3. Congested infrastructure

1. If despite the action referred to in subchapter 4.4.1 par. 2 it is not possible to realise requirements included in the applications on train path allocation in accordance with the railway undertaking's expectations – PLK promptly notifies the President of UTK and involved railway undertakings, that the railway line or its section is congested, excluding the cases referred to in § 7 par. 11 point 1 of the [Regulation](#). PLK notifies also about railway line or its section where lack of capacity is expected in the next RRJ period.
2. PLK provides results of capacity analyses for congested railway lines or their sections to President of UTK as well as the scheme of capacity increase, according to principles referred to in the [Regulation](#).
3. Train paths allocation on congested railway lines sections is executed on the basis of results of auction referred to in § 7 par. 11 point 4 of [Regulation](#), carried out according to the principles included in **Annex 8.3**.

4.4.4. Impact of framework agreements

1. PLK carries out periodical consultations with the applicant twice a year i.e. in April and October for the purpose of revising the framework agreement and justify its continuation.

PLK, in the case when stated use is smaller than 70% of trains on particular railway lines during 3 consecutive calendar months periods: January – March, July – September, for which train paths were allocated within annual timetable on the

basis of allocated framework capacity, reduces framework capacity for those lines for consecutive annual timetables in proportion to % of its non-usage.

If the applicant gives reasons for less use of the number of train paths, PLK with the applicant will determine the reduction of the frame capacity for those lines/sections.

2. The applicant informs PLK about permanent intention not to use of the framework capacity without undue delay.
3. PLK publishes the framework capacity statement no later than 3 months after concluding the framework agreement, its amendment or termination, in a way which respects commercial confidentiality.

4.5. Allocation of capacity for maintenance, renewal and enhancements

1. Capacity allocation for the purpose of maintenance, renewal and enhancements shall be carried out in accordance with the rules set out in chapter 4.
2. Train journey for the needs referred to in par. 1, based on prepared train timetable or on regulations concerning traffic management on line/line section for which timetable is not prepared, is carried out by the railway undertakings who have Contract of use concluded with the PLK.
3. Application for train path allocation for the needs referred to in paragraph 1, is submitted by the applicant, however in the case of a request for capacity allocation for maintenance purposes, it is submitted by the applicant being railway undertaking and it shall be authorized by a competent employee of PLK territorially relevant organizational unit.
4. An application for capacity allocation for maintenance (maintenance-repair journey), in the section containing notes and instructions, must include:
 - 1) the name of territorially relevant organizational unit of PLK agreeing on the Application;
 - 2) number of maintenance-repair Contract, which is the basis for train journey (contract concluded by PLK with the contractor for maintenance, supervision, research or repair of railway infrastructure);
 - 3) consent number, name and surname, the abbreviation of the position and the telephone number of the designated person / person agreeing the application from the territorially relevant unit of PLK.

4.6. Rules for cancellation of allocated capacity

1. The applicant has a right to cancel allocated train path or its part. Cancellation of the allocated train path is made by authorized employees by ISZTP.
In this case, PLK levies a reservation charge for whole requested and allocated train path or its unused part in the amount specified in subchapter 6.4.1.

2. PLK receives cancellation of allocated train path since the date of submitting notification of train path allocation referred to in subchapter 4.3.1. par. 14.
3. Confirmation of acceptance of 'Resignation from the allocated train path in whole or in part' is generated automatically from ISZTP and sent by e-mail to the e-mail address of the person submitting the resignation.

In case of ISZTP failure due to reasons beyond the applicant's control, PLK Railway Traffic Management Centre informs applicants about anticipated difficulties and the resignation procedure without ISZTP participation, according to the template attached as **Annex 6.4**.

4. Providing wrong data in the application for allocated capacity cancellation causes rejection of the cancellation.

4.7. Exceptional transports and dangerous goods

1. PLK performs activities connected with transport of special consignments and dangerous goods (including high risk (TWR)) in accordance with internal regulations specified in **Annex 3.1**.
2. Requirements and information concerning exceptional transports and dangerous goods (including high risk (TWR)) were described in subchapter 2.5 [Exceptional transports] and in subchapter 2.6 [Dangerous goods].

4.8. Special measures to be taken in the event of disturbance

1. In emergency or crisis situations, in particular resulting from the needs of state defence and security, PLK suspends or restricts railway traffic and decides on the scope of modification of the transport process.
2. PLK has the right to demand that the railway undertaking appoint its representatives to the composition of crisis management teams, appointed and created in structures of PLK in emergency or crisis situations.
3. Detailed rules for notification of incidents and situations of potential hazards, procedures for the appointment and operation of railway commissions, rules for the qualification of events and situations of potential hazards, and the rules for documenting the conduct of investigations shall be determined by the "Ir-8 Railroad Accident, Incidents and Incidents Manual", listed in **Annex 3.2**.
4. The proceedings in the event of threats and crisis situations are specified in:
 - 1) "The principles of organisation of the railway crisis management system during the occurrence of threats and crisis situations on railway lines managed by PKP Polskie Linie Kolejowe S.A. and in buildings and structures designed to handle passengers and goods" (hereinafter referred to as the "Principles of Organisation");
 - 2) "The principles of monitoring the operation of operational and transport performance during the occurrence of threats, crisis situations, other events on railway lines managed by PKP Polskie Linie Kolejowe S.A. and in

buildings and structures designed to handle passengers and goods" (hereinafter referred to as the "Principles of Monitoring");

- 3) based on the Principles of Organisation and the Principles of Monitoring "Procedures for action in the event of natural disasters, acts of terrorism or sabotage, including task modules for particular alert levels, CRP alarms, strikes and protests connected with rail and rail structure blockades, technical failures" (referred to as "emergency response procedures").

4.8.1. Notifications principles

The principles of issuing notifications are specified in the Contract of use, including notifications in the case of events important for the maintenance of safety and continuity of traffic, as well as the safety of persons, property and the environment, and in the event of disruptions in the timetable of trains.

4.8.2. Operational regulations

Detailed regulations concerning special measures taken in the event of disruptions are included, among others, in the "Ir-8 Railroad Accident, Incidents and Incidents Manual", "Technical and operational guidelines for devices for the detection of states of emergency in rolling stock le-3", "Instruction on the carriage of special loads Ir-10 (R-57)", the "Principles of Organisation" and the "Principles of Monitoring".

4.8.3. Foreseen problems

1. When train timetable deviations faulted by Contract parties occur (incl. cases referred to in subchapter 4.8.5. par. 1), both Contract parties bear mutual responsibility for difficulties in operation of railway lines against themselves and toward another users of railway lines.
2. In accordance with regulations of [Act](#), in the case of danger to traffic safety or people and goods transportation safety PLK is obliged to suspend or restrict traffic on the line (or its part).
3. PLK shall notify the railroad carriers concerned immediately about disturbances in train traffic (affecting their operational activity), their effects as well as actions taken.

Providing information on operational impediment on PLK network takes place according to Section 4: "Rules of monitoring of current operation and transport performance and procedures in case of threats, crisis situations or other events on railway lines managed by PKP Polskie Linie Kolejowe S.A. and in buildings and structures designed for servicing people and things," listed in **Annex 3.2**, available on www.plk-sa.pl, under the tab: For customers and partners / Legal acts and regulations / [Instructions of PKP Polskie Linie Kolejowe S.A.](#)

In case of operational disturbances caused by technical failure or an accident, which may affect cross-border traffic on railway infrastructure of other railroad

carriers, PLK shall immediately provide neighbouring foreign carriers with information about disturbances and shall cooperate with them to restore the undisturbed cross-border traffic.

4. In the case of operational disruptions, PLK shall take actions (after submitting proposals of solutions to railway undertakings) to restore normal operational conditions.

For this purpose, PLK takes final binding decisions for railway undertakings concerning in particular: decrease in the train speed, alternative routes, use of alternative motive power units, train cancellation, shortening the train route, joining trains, moving passengers from trains cancelled on the route to the nearest coming trains in a given direction (even if they belong to another railway undertaking) together with ordering additional train stops.

The train, after locating the passengers to another train, on the further part of the route runs to the station agreed with the railway undertaking, as a non-commercial passenger train.

5. PLK has the right - in case of operational difficulties, e.g. necessity to pick up damaged rolling stock or rolling stock with shifted load in order to restore the possibility of passage - to use railway vehicle with railway undertaking's drive or to employ (dispose to perform appropriate actions) railway undertaking's employee (driver, auditor), having appropriate qualifications in order to remove the damaged vehicle belonging to this railway undertaking and another railway undertaking from the path. If the authorized driver is not qualified (to carry persons or goods), he shall inform the train dispatcher.

This also applies to cases where it is necessary to exclude damaged rolling stock from a train which, due to a rolling stock failure preventing it from continuing to run; has been stopped on the main track at a station; or where a stopped train obstructs or significantly limits the traffic flow of a station or a route.

Using railway vehicle with railway undertaking's drive or employing (dispatching) railway undertaking's employee by PLK may be applied e.g. in order to haul the damaged vehicle to the nearest station where conditions exist for its parking or to move the damaged rolling stock from the main track to the side track at the station and to assist in performing required brake test after excluding the rolling stock from the train.

In case of operating difficulties, railway undertaking's employees follow orders of PLK aimed at restoring normal operating conditions.

Settlement of costs incurred due to additional use of a powered railway vehicle or employment (disposition to perform proper activities) of an employee shall take place in accordance with the rules set forth in the Contract of use, taking into account the provisions of subsection 7.3.

6. For restoring track or station traffic - in the cases referred to in paragraph 5 - PLK also has the right to use railway rescue teams.

PLK charges the railway undertaking for costs of aforementioned railway technical rescue units operation if traffic suspension was for reasons attributable to railway undertaking. Before this charge, PLK provides railway undertaking with calculation of railway technical rescue unit operation.

7. The railway undertaking and PLK are obliged to cover reported direct costs (i.e. except overheads and profit margin) of special actions to provide safety and continuity of railway traffic taken in order to eliminate effects of occurrences or potentially dangerous situations (according to the incidents classification that included in Ir-8) that were caused through their fault.
8. Repayments, charging by way of costs of liquidation of occurrence implications or potentially dangerous situations effects, use of railway undertaking's motive power unit to eliminate operating disruptions, referred to in par. 5, including those caused by PLK, and other accounts, are appropriately made both by PLK and railway undertaking with meeting of payment deadlines according to mutual contract, on PLK or railway undertaking's account.
9. If a freight railway undertaking using:
 - 1) Loading tracks of service facilities, referred to in sub-chapter 3.6.1;
 - 2) Stabling tracks of service facilities, referred to in sub-chapter 3.6.3, in the scope of tracks located next to yards, loading ramps or places, with the possibility of carrying out loading works, not managed by PLK;

completes unloading operations and leave an empty train set, making it impossible for another freight railway undertaking to use such tracks for loading or unloading aggregates, the railway undertaking concerned shall suggest moving empty cars to another track and securing them to the dispatcher of Railway Traffic Management Centre unit of PLK responsible for a given area.

The dispatcher of PLK, referred to above, shall agree with the railway undertaking the empty train set of which occupies the above-mentioned tracks (by phone and by e-mail) that such cars should be moved to a different track within the same dispatch area (in the case of large stations) by the railway undertaking interested in using the tracks.

Costs arising from moving train set shall be charged to the railway undertaking that left the empty train set and will be settled by PLK based on an invoice issued by the railway undertaking that moves the train set, on the terms set out in sec. 5.

In the event that an event or a potentially dangerous situation occurs as part of shunting works related to the shifting of the train, the proceedings in this range are carried out according to the rules provided for in the "Instruction on the procedure in cases of serious accidents, accidents and incidents in rail transport Ir-8", listed in **Annex 3.2**.

**Proceedings in the case of detecting state of emergency
in a rolling stock during traffic operations**

10. In order to detect state of emergency in operating rolling stock, resulting from overheated axle-bearings and brakes or deformation of running surface, railway lines are equipped with devices for detection of state of emergency in a rolling stock (dSAT).
11. Current tracing of emergency events in a rolling stock related with running gear failures as well as with loading irregularities, is done by the overriding IT system – SID. The railway undertaking obtains access to the system after submission of access application to the following address:

PKP Polskie Linie Kolejowe S.A.
Biuro Automatyki i Telekomunikacji
03-734 Warszawa, ul. Targowa 74
e-mail: iat@plk-sa.pl

city tel.: (00 48) 22 473 20 50; railway tel.: (922) 473 20 50

12. In the case of operational disruptions caused by detection a failure of pair of wheels and/or other elements of running gear in a rolling stock by dSAT devices, railway undertaking is obliged to respect their indications and to follow after-detection procedure specified in le-3 “Guidelines for technical-operational devices for detection of state of emergency in a rolling stock”, specified in **Annex 3.2**.
13. Threshold values for parameters controlled by dSAT devices are specified in the technical and operational guidelines for devices for detection of state of emergency in a rolling stock (“Wytoczne techniczno-eksploatacyjne urządzeń do wykrywania stanów awaryjnych taboru le-3”).
14. Rolling stock which is withdrawn from service as a result of equipment being found to be exceeding the prescribed thresholds shall be serviced by the railway undertaking.

**Proceedings in the case of detecting of: exceeding of maximum axle-load,
exceeding of maximum linear loads (per 1 running meter of track) and unbalance
of load distribution**

15. In the case when dSAT devices detect exceeding by rail vehicle maximum: axle-load, linear loads or unbalance of load distribution – traffic controller communicates with driver of motorized railway vehicle by transceiver, informing him about type of exceeding and its localisation.

The traffic controller disposes of journey continuation with limited speed, determined on the basis of “Regulations on handling of devices terminal for detection of state of emergency in running rolling stock”, to station of exclusion, where railway vehicle with detected exceeding has to be excluded from a train, moved aside to tracks other than mainline or additional ones and tracks nearby the ramps and left to railway undertakings disposal.

16. After excluding of his vehicle, rail undertaking makes it ready for further journey so as not to exceed permissible parameters or he carries out the proceeding of regarding his consignment as an exceptional good, according to “Instruction in carriage of special loads’ Ir-10 (R-57)”, specified in **Annex 3.1**. The railway undertaking’s employee confirms the fact of adjusting of excluded vehicle parameters to permissible line parameters as well as the purpose of its inclusion to service, throughout affirmation on the stage of dispatcher’s planning (contact data according to **Annex 4.3**). Written declaration on adjusting of vehicle to permissible line parameters and the purpose of its inclusion to service should contain the name of railway undertaking, vehicle number, train number and circulation date as well as the signature of the railway undertaking’s employee.

Proceedings in the case of detecting of exceeded dynamic overload

17. Dynamic overload is an additional force of wheel load occurring during run of railway vehicle, caused by inefficiency of running elements of rolling stock. It is measured by dSAT devices as a dynamic component of vertical force of wheel load. Critical value of wheel dynamic overloads occurred in welded track and registered by dSAT devices is $Q_{GRAN} \geq 350$ kN.
18. In the case when dSAT devices detect exceeding critical value of dynamic overload by rail vehicle – traffic controller provides driver with information by transceiver, about type of abnormality and its location (axle number, counting from the train front).
- The traffic controller disposes of journey continuation with limited speed, determined on the basis of “Regulations on handling of devices terminal for detection of state of emergency in running rolling stock”, to station of exclusion, where railway vehicle with detected exceeding has to be excluded from a train and left to railway undertakings disposal.
19. After excluding of his vehicle, rail undertaking carries out the proceeding of regarding his consignment as an exceptional good, according to “Instruction in carriage of special loads’ Ir-10 (R-57)”, specified in **Annex 3.1**.
20. When track-side equipment detects exceeding a dynamic wheel load warning threshold of $Q_{OSTR} \geq 200$ kN, the traffic controller provides driver with information by transceiver, about type of abnormality and its location and requests confirmation of this message by the train driver giving his full name and name of the railway undertaking.

Proceedings in the case of detecting damage of the pantograph

21. In the event of detecting irregularities or damages by an employee of a technical station or a driver of an electric traction vehicle, the information is exchanged via radiotelephone between the train dispatcher and the driver driving the electric traction vehicle about the type of damage and its location.
- In this case, the electric traction vehicle will stop and the driver shall follow the guidelines specified in the manual for the traction vehicle driver.

22. The traffic dispatcher, after receiving information from the electric traction vehicle driver about the detected damage or irregularities of the pantograph, shall follow the "Ir-8 Railroad Accidents, Serious Incidents and Incidents Manual" listed in **Annex 3.2.**

4.8.4. Unforeseen problems

1. Within railway crisis management system, in the case of necessity of train cancellation within operation area of regional branch of PLK Traffic Management Centre - relevant decisions are made by chairman of regional crisis management team, if this team was not appointed – the chief of regional branch of PLK Traffic Management Centre after prior agreement with relevant railway undertakings.
PLK and railway undertakings within the railway crisis management system bear all relevant costs resulting from undertaken actions towards holding possibility or technical protection of railway line, in proportion to scope of activity.
2. Within railway crisis management system, in the case of necessity of traffic ban over whole railway network, decision is made by the Chairman of Railway Crisis Management Team in PLK or by his Deputy and also by the Chairman of Railway Crisis Management Centre or by his Deputy.

4.8.5. Procedure in the case of events or potentially dangerous situations in railway transport

1. In the case of occurrences (serious accident, accident, incident) or potentially dangerous situation in railway transport - participants of traffic process are obliged to act in accordance with [Decree of Minister of Infrastructure and Construction of 16 March 2016 on serious accidents, accidents and incidents in railway transport](#) and internal regulations specified in **Annex 3.2.**
2. Each employee of railway undertaking and PLK who noticed railway event that can appear or it has been appeared (i.e. occurrence or potentially dangerous situation, referred to in par. 1 in railway area should:
 - 1) use all possible and available measures to eliminate danger and prevent its increase as well as reduce its effects;
 - 2) inform an employee of the nearest PLK's operating control point about it.
3. When as a result of occurrence or potentially dangerous situation referred to in par. 1 direct danger of environmental damage or environmental damage appeared or can appear as well as pollution of environment or infrastructure elements or risk of explosion, fire or other danger took place or might take place then each railway undertaking's and PLK's employee is obliged to notify immediately about it an employee of the nearest PLK's operating control point that makes notifications, in accordance with decree, referred to in par. 1 and undertake all possible measures eliminating and preventing danger.
4. PLK and the railway undertaking are obliged to:
 - 1) help all the injured;

- 2) co-operate to minimise negative effects of occurrences or potentially dangerous situations, referred to in par. 1;
 - 3) co-operate in removing damages and bringing railway traffic back into operation;
 - 4) co-operate in establishing reasons of occurrence or potentially dangerous situation, referred to in par. 1;
 - 5) co-operate in the removal of sources of environmental pollution and its effects.
5. After finishing proceedings on occurrence or potentially dangerous situation that caused losses for one of parties of Contract of use, director of PLK railway plant relevant geographically to the place where occurrence or potentially dangerous situation appeared, appoints special team for estimation of losses and for establishing of responsibility for it. The team can be appointed also by railway undertaking, unless it was appointed by a director of PLK railway lines plant within 7 days from the date of finishing works of railway commission, or in the case of potentially dangerous situation - from completion of final report.

Representatives of PLK and authorized representatives of railway undertakings are included in the team. Director of PLK railway plant relevant geographically to the place where occurrence or potentially dangerous situation appeared, is entitled to issuing authorizations from PLK side, and from railway undertakings side it is person appointed in Contract of use.

Each team meeting is recorded by the party appointing the team and signed by all members of the team, and the minutes of the last meeting, in addition to determining the amount of losses and the responsibility for them, determine the manner and timing of financial settlements.

In the case of disagreement between the Parties, the minutes of the last meeting should enable the introduction of a dissenting opinion for each member of the committee who has reservations.

In the event of effectively notifying the members of the committee of the place and time of the team meeting, and in the event of the failure to submit information on the lack of possibility to appear by a given member of the committee to the chairman of the team until the group meeting begins - the findings of the team meeting are binding.

The basis of the team's work is: in the case of events - the final report of the railway committee or the report of the State Committee for the Investigation of Railway Accidents, and in the case of potentially dangerous situations - the final report of the conducted investigation or the note in case of absence of proceedings.

6. Findings of the team referred to in par. 5 are binding for all parties of the proceeding.

In the case when parties are incapable to agree the amount of losses and range of responsibility of parties – its establishing is executed by legal means.

7. Interested parties enforce claims for occurrences or potentially dangerous situations referred to in par. 1, not caused by PLK's fault, separately.
8. When as a result of occurrence or potentially dangerous situation referred to in par. 1 PLK's railway infrastructure has been damaged, repair of damaged elements is executed by PLK or on its order.
9. For journeys executed by PLK or railway undertaking in order to elimination of after-effects of occurrences or potentially dangerous situations referred to in par. 1, occurred on railway lines managed by PLK, timetable is not worked out. The journey is realised according to internal rules pointed out in **Annex 3.2**.

4.9. Allocation of capacity for service facilities

The allocation of capacity for service facilities is governed by the principles defined in the Regulations for access to service facilities managed by PKP Polskie Linie Kolejowe S.A., available on www.plk-sa.pl, in the section: *Dla klientów i kontrahentów / Warunki udostępniania infrastruktury i regulaminy / [Obiekty infrastruktury usługowej](#)* [For customers and partners / Terms of access to infrastructure and regulations / Service facilities] and by the rules specified in subchapter 4.2.2.

4.10. Substitute transport

1. In case of occurrence of limitations in using railway infrastructure, within which capacity for train paths has been allocated, due to reasons attributable to PLK, the railway undertaking may perform passenger transport using alternative transport services, i.e. means of road transport adjusted to the number of travelers, performed by road undertaking licensed to perform domestic road transport in the scope of passenger transport or undertaking in the scope of passenger transport by taxi.
2. Planning of alternative transport services due to planned track closures takes place in the process of developing and agreeing upon ZRJ, referred to in subchapter 4.3.3.2.2 par. 6.

Locally responsible PLK Railway Traffic Management Centre's exposition indicates the PLK organizational unit, which is charged by the railway undertaking with costs referred to in par. 3.

Employees of organizational units of PLK cooperate with railway undertaking's employees in determining place of stoppages of alternative transport services within railway area managed by PLK.

3. PLK is obliged to cover additional costs incurred by the railway undertaking for the introduction of alternative transport services if its introduction on lines on which capacity has been allocated for train paths results from reasons attributable to PLK. Additional costs, referred to above, are understood as difference between costs of minimum access to railway infrastructure, which would be incurred by the railway undertaking in case of realization of the train passage without any

limitations in using railway infrastructure, caused by reasons attributable to PLK, and full documented invoices, costs incurred by the railway undertaking for execution of substitute transport service (i.e. costs of providing access to road vehicle with its driver).

4. The costs of alternative transport services shall be settled in accordance with the provisions of the Contract of Use.

In case of investment works conducted by PLK in locations related to the implementation of OPI&E [Operational Program Infrastructure and Environment], CEF - Connecting Europe Facility] or POPW [Operational Program Eastern Poland] projects, the settlement of costs of substitute communication will take place exclusively on the basis of a separately concluded agreement, within the framework of secured financial resources.

5. For the purpose of settling the costs of alternative transport, the railway undertaking shall submit a statement assessing the effectiveness and reasonableness of the alternative transport organization and a statement indicating that the additional costs of alternative transport will not be reimbursed by the public transport provider.
6. Introduction of alternative transport services by the railway undertaking for reasons referred to in subchapter 4.8.5, paragraph 1 and unplanned track closures, not included in ZRJ, takes place in the mode of operational agreement with locally responsible PLK Railway Traffic Management Centre subdivision (according to **Annex 4.3**). The railway undertaking, before introducing the alternative transport services, informs the locally responsible PLK Railway Traffic Management Centre subdivision by stating:
 - 1) the date and time of the introduction of the alternative transport services;
 - 2) a list of trains on which alternative transport services will be implemented;
 - 3) relation of the passage of alternative transport services.

The above mentioned information should also be sent in electronic form to the e-mail address of the locally responsible PLK Railway Traffic Management Centre subdivision.

5. SERVICES

5.1. Introduction

PLK provides the following services:

- 1) minimum access to railway infrastructure involving services specified in subchapter 5.2;
- 2) access to service facilities, which includes the services specified in par. 2 and 3 of annex 2 to [Act](#), if they are supplied;
- 3) other services.

5.2. Minimum access package

Minimum access to railway infrastructure comprises of:

- 1) handling of application for capacity allocation;
- 2) enabling use of the railway infrastructure, including track points and junctions within allocated capacity;
- 3) train control including signalling and provision of information on train movement;
- 4) providing information required to implement or operate the service for which capacity has been allocated;
- 5) access to electrical supply equipment for traction current, where available.

5.3. Access to services facilities and supplying the services

The terms of access to service facilities and the provision of services are included in the Regulations for access to service facilities managed by PKP Polskie Linie Kolejowe S.A., available on www.plk-sa.pl, in the section: *Dla klientów i kontrahentów / Warunki udostępniania infrastruktury i regulaminy / [Obiekty infrastruktury usługowej](#)* [For customers and partners / Terms of access to infrastructure and regulations / Service facilities].

5.3.1. Access to services facilities

The scope and procedure of providing access to service facilities is contained in subchapter 2.1 and chapter 3 of the Regulations for access to service facilities managed by PKP Polskie Linie Kolejowe S.A.

5.3.1.1. Freight terminals and tracks for loading

Information about loading tracks is provided in subchapter 2.1.4 and subchapter 2.2.4 of the Regulations for access to service facilities managed by PKP Polskie Linie Kolejowe S.A.

5.3.1.2. Marshalling yards and train formation facilities, including shunting facilities

Information about marshalling yards is provided in subchapter 2.1.2 and subchapter 2.2.2 of the Regulations for access to service facilities managed by PKP Polskie Linie Kolejowe S.A.

5.3.1.3. Storage sidings

Information about storage sidings is provided in subchapter 2.1.3 and subchapter 2.2.3 of the Regulations for access to service facilities managed by PKP Polskie Linie Kolejowe S.A.

5.3.1.4. Technical support points

PLK does not provide any services at technical support points.

5.3.1.5. Other technical facilities, including cleaning and washing facilities

PLK does not offer services in the scope of equipment for cleaning and washing of rolling stock.

5.3.1.6. Maritime and inland port facilities

PLK does not offer services in the scope of equipment in ports of inland and maritime navigation.

5.3.1.7. Relief facilities

PLK does not offer life-saving services within the framework of service facilities.

5.3.1.8. Refueling facilities

PLK does not offer services in the scope of rail fuel stations.

5.3.2. Provision of services at service facilities

In addition to the services provided in the OIUs (Service Facilities) listed in subchapter 5.3.1, PLK provides services within the service facility for the development of conditions and management of exceptional transports. Information on the provision of these services is provided in subchapter 2.1.5 of the Regulations for access to service facilities managed by PKP Polskie Linie Kolejowe S.A.

5.4. Other services

1. Other services include:
 - 1) development of time table study at the request of the applicant/railway undertaking;
 - 2) sharing with railway undertakings the data media for the publication of railway undertakings' trade information, including:

- a) making the space of PLK's data media available,
 - b) making the space available for installations of railway undertaking's data media;
- 3) making the space available for equipment intended for sale of tickets (vending machine), for ticket validators, for premises used for sale of tickets (kiosks, containers etc.).
2. Making the space available for the installation of railway undertaking's data media refers only to location in which insufficient number of PLK's data media is installed and retrofitting of a given location by the PLK with new data media is not provided for. Railway undertaking's data media should comply with the requirements specified in the "Wytyczne dla oznakowania stałego infrastruktury pasażerskiej lpi-2" ("Guidelines for permanent signage of lpi-2 passenger infrastructure"), available at www.plk-sa.pl, under the tab: *Dla klientów i kontrahentów / Akty prawne i przepisy / Instrukcje PKP Polskie Linie Kolejowe S.A.* [For customers and partners / Legal acts and regulations / Instructions of PKP Polskie Linie Kolejowe S.A.].
3. Making the space available for the installation of data media, vending machines, ticket validators, kiosks and containers of the railway undertaking is carried out case by case depending on local conditions and technical capacity of the PLK.

6. CHARGES

6.1. Charging principles

1. PLK applies the same charging rules to all applicants/railway undertakings for the whole rail network under its management.
2. The rules for determining fees are based on the provisions of Article 33 of the [Act](#) and chapter 10 of the [Regulation](#).
3. The rules for setting unit rates used to determine the basic and manoeuvring fees, including the method of determining the category of the railway line section, are included in **Annex 9.2**.⁵
4. Except for trains for which intermodal concession is granted, when determining basic fees, PLK takes into account a part of unit rate related to type of performed services other than 0 PLN/pockm, determined on the basis of market analysis results referred to in § 21 rec. 17 of the [Regulation](#). The rules of application of the part of the rate related to the type of transport performed and its amount are contained in **Annex 9.1**.⁶
5. For use in a period of congestion, referred to in art. 34 sec. 1 of the Act, railway lines or line sections declared to the President of UTK as congested, PLK levies from the auction winner, starting from the first day of RRJ validity, a higher basic charge set as a result of the auction carried out in accordance with the rules referred to in **Annex 8.3**.

6.2. Charging systems

1. The basic charge, referred to in subchapter 6.3.1 is determined according to allocated train path.
2. The basic fee, mentioned in par. 1, is reduced by half of amount which PLK would pay for train delay due to PLK's fault equal to extension of journey time, however not more than by half of basic charge, mentioned in par. 1 - in case of introducing changes of timetable, mentioned in par. 4.3.3.2, which caused the increase of train journey time by at least 10 minutes or 10% of the total train journey, and train route was not changed or was extended.
3. The basic fee referred to in par. 1, in case of detour for reasons attributable to PLK, is calculated in accordance with the rules specified in the procedure of settlement of train journeys performed on round roads in connection with conducted track works on the network of PKP Polskie Linie Kolejowe S.A.
(“Procedura rozliczeń opłat za przejazdy pociągów realizowane drogami okrężnymi w związku z prowadzonymi robotami inwestycjami torowymi na sieci

⁵ Annex 9.2 will be published, pursuant to Article 33.14 of the [Act](#), immediately after its preparation.

⁶ Annex 9.1 will be published, pursuant to Article 33.14 of the [Act](#), immediately after its preparation.

PKP Polskie Linie Kolejowe S.A.”), available on the web site. www.plk-sa.pl in the tab: *Dla klientów i kontrahentów / Warunki udostępniania infrastruktury kolejowej i regulaminy / Trasy modelowe* [For customers and partners / Terms of access to infrastructure and regulations / Model routes].

4. In the case of necessity to run exceptional transports carriage causing traffic suspension on neighbouring track, railway undertaking pays a basic charge, referred to in subchapter 6.3.1 for use of both tracks.

6.3. Tariffs

The price list for using railway infrastructure with a track gauge of 1435 mm is included in **Annex 9.1**.⁷

6.3.1. Minimum access package

1. The charge for minimum access to railway infrastructure involves services referred to in subchapter 5.2.
2. The charge referred to in subchapter 1 includes:
 - 1) basic charge for services provided within minimum access to railway infrastructure related to completed train journey;
 - 2) maneuvering charge for services performed within the framework of minimum access to railway infrastructure, related to completed maneuvers;
 - 3) charge for rail vehicles stabling of not less than 2 hours on non-service facilities tracks.
3. The unit rate of the basic charge is determined as the sum of the part of the rate depending on the mass of the train and the category of the railway, the part of the rate depending on the train's traction and the part of the rate related to the type of transport performed.
4. The rate of the train depending on the mass of the train and the category of the railway line is determined as the product of the average rate depending on the mass of the train and the category of railway lines and the coefficients varying the average rate depending on the mass of the train and the average category of line sections.
5. The method of determining the basic and manoeuvring charges is specified in **Annex 9.2**.⁸
6. Charge for rail vehicles stabling of not less than 2 hours on non-service facilities tracks is calculated as the product of the duration of the stoppage and the unit rate.

⁷ Annex 9.1 will be published, pursuant to Article 33.14 of the [Act](#), immediately after its preparation.

⁸ Annex 9.2 will be published, pursuant to Article 33.14 of the [Act](#), immediately after its preparation.

7. Charges for minimum access to railway infrastructure, referred to in subchapter 5.2, as well as reservation charges, referred to in subchapter 6.4, are paid by applicant/railway undertaking, according to specific rules included in Contract of allocation or in Contract of use.
8. In the event that a dispatcher notifies the competent local railway traffic management unit of a train at standstill on the mainline and additional tracks, which causes operational difficulties and the need to remove railway vehicles, the fee referred to in section 6, for the first 12 hours of standstill starting from the time specified in the notification, will be calculated based on a rate equal to three times the unit rate. For each consecutive 12-hour period of standstill, the fee will be increased by an amount equal to three times the unit rate. In the notification submitted by phone and by e-mail, the dispatcher will specify the date of removal of the railway vehicles and suggest a location to which they should be transferred.

6.3.2. Track access to services facilities

1. PLK charges a maneuvering fee for the passage of railway vehicles to the service facilities referred to in subchapter 5.3.
2. The maneuvering fee is determined in accordance with the rules specified in subchapter 6.3.1. sec. 5.
3. Train runs conducted there and back are counted as separate runs.

6.3.3. Supply of services referred to in subchapter 5.3

The list of the services referred to in subchapter 5.3, including the fees for their provision, are included in **Annex 7** to the Regulations for access to service facilities managed by PKP Polskie Linie Kolejowe S.A.

6.3.4. Other services

1. PLK charges a fee for preparing a timetable study for trains. The basic charge for an hour of workload for the study is specified in **Annex 9.1**⁹.
2. For preparation the study, PLK levies the following charges:
 - 1) for the preparation of the train path study for which modification of POS database or development of special transport condition are not required (i.e. calculation of the train path for requested parameters of gross weight, axle load, preparation of the train path according to the request), the fee is:
 - a) 20% of the hourly rate for a route of up to 50 km,
 - b) 40% of the hourly rate for a route from 51 km to 100 km,
 - c) 60% of the hourly rate for a route from 101 km to 200 km,
 - d) 80% of the hourly rate for a route from 201 km to 300 km,

⁹ Annex 9.1 will be published, pursuant to Article 33.14 of the [Act](#), immediately after its preparation.

- e) 100% of the hourly rate for a route over 301 km;
- 2) for the preparation of the train path study for which modification of POS database or development of special transport condition are required – according to individual calculation.
- 3. The PLK collects a fee for providing railway undertakings with space within platforms or access roads to platforms in order to publish railway undertakings' trade information according to the rates indicated in **Annex 9.1**.¹⁰

Fees for making the space referred to in subchapter 5.4 para. 1 item 3 available are determined by PLK railway line units as per individual calculations.

6.4. Financial penalties and incentives

6.4.1. Non-usage/cancellation fees and charges

- 1. The reservation charge collected from applicants for non-usage of allocated capacity, if an applicant does not appoint railway undertaking who has to use allocated capacity or railway undertaking appointed by the applicant does not conclude with PLK Contract of use amounts 100% of basic charge for planned train journey, never less than PLN 1000.
- 2. In the case of non-usage by the railway undertaking of train path allocated within annual timetable by reasons laying on his side entirely or partially, the reservation charge for unused part of allocated train path amounts to:
 - 1) 25% of the basic charge for the planned train journey:
 - a) in the case when allocated path cancellation was not submitted,
 - b) for the period from the date of submission of cancellation to the day of introduction of timetable update, for which the deadline for submitting applications has not yet expired;
 - 2) 5% of the basic charge for planned train journey, in the case when allocated path cancellation was submitted, for the period from the date of introduction of timetable update, for which the deadline for submitting applications has not yet expired to the end of annual timetabling period.
- 3. In the case of non-usage by the railway undertaking of train path allocated in a mode other than annual timetable by reasons laying on his side entirely or partially, the reservation charge for unused part of allocated train path amounts to:
 - 1) 25% of basic charge for planned train journey when cancellation of allocated train path is not submitted or it was submitted within deadline shorter than 12 hours prior to scheduled train departure;

¹⁰ Annex 9.1 will be published, pursuant to Article 33.14 of the [Act](#), immediately after its preparation.

- 2) 20% of basic charge for planned train journey when cancellation of allocated train path was submitted within deadline not shorter than 12 hours and shorter than 36 hours prior to scheduled train departure;
 - 3) 15% of basic charge for planned train journey when cancellation of allocated train path was submitted within deadline not shorter than 36 hours and shorter than 72 hours prior to scheduled train departure;
 - 4) 10% of basic charge for planned train journey when cancellation of allocated train path was submitted within deadline not shorter than 72 hours and shorter than 30 days prior to scheduled train departure;
 - 5) 0% of basic charge for planned train journey in the case when cancellation of allocated train path was submitted more than 30 calendar days prior to scheduled train departure.
4. Reservation charges, referred to in par. 2 and 3 amounts 0% of basic charge for planned train journey in the case when non-usage of allocated train path results from application for train path allocation concerning modification of allocated train path, submitted within timetable update.
 5. In the case of non-usage of allocated capacity in part as a result of reduction of planned train weight by railway undertaking, the levied reservation charge will amount 50% of basic charge reduction resulting from train gross weight reduction for which any change of allocated train path is not required.
 6. The charge for handling of the application for capacity allocation levied from applicants amounts to PLN 100 unless the requested capacity was allocated, except in situations when capacity was not allocated for reasons on the part of PLK.

6.4.2. Reduction fee for framework agreements

PLK does not provide for reduced fees for framework contracts.

6.4.3. Discounts for equipping rolling stock with ERTMS

PLK does not grant a discount for equipping rolling stock with ERTMS.

6.5. Performance scheme

6.5.1. General principles and objectives

1. In order to minimise disruption and improve the performance of the network in terms of train running times, an implementation plan shall be established including:
 - 1) the duration of the delay, for which the train is considered to run on a scheduled basis;
 - 2) the expected percentage of the number of railway undertaking's trains that will not be delayed due to his fault;
 - 3) the compensation for train delay;

- 4) sanctions for activities disrupting network operation;
- 5) the manner to reward the railway undertaking for achieving an average annual performance level higher than set out in the performance scheme.
2. The railway undertaking's passenger and freight trains, of which the greatest delay, which occurred on the train route on arrival to the stopping points ordered by the applicant and located on the network managed by the PLK was not more than 5 minutes in case of passenger trains and 15 minutes in case of freight trains, are considered as running on the schedule basis.
3. It is assumed that during train schedule validity period 2020/2021, percentage share of railway undertaking's trains, which will not be delayed due to his fault, in total number of trains started by him, so called eligible punctuality of the railway undertaking, shall be determined on the basis of performance from 1 March 2019 to 29 February 2020. (cumulative result from twelve months).

The PLK's Operations and Passenger Service Office informs each of railway undertaking in writing about average annual level of eligible punctuality achieved by given railway undertaking.

4. Passenger and freight trains of the railway undertaking, of which the greatest delay that occurred on the train path on arrival to the stopping points ordered by the applicant exceeded 5 minutes in case of passenger trains and 15 minutes in case of freight trains, excluding trains indicated in sub-clause 6.5.2 clause 3 point 4, shall be eligible for compensation due for the railway undertaking for train delay.
5. The PLK shall charge the railway undertaking with penalty for activities disrupting operation of railway network in case referred to in sub-chapter 6.5.3.2 clause 1.
6. The PLK shall pay a bonus to the railway undertaking in case referred to in subsection 6.5.3.3 clause 1.
7. The eligible punctuality as per transport segments shall be determined as an indicator defining percentage share of number of trains, which were running on time and without delays for reasons lying on the side of railway undertakings, constituting an average from annual level of results achieved by railway undertakings referred to in clause 3 weighted by number of trains of particular railway undertakings and for timetable validity period 2020/2021 is:
 - 1) 90.81% for passenger trains;
 - 2) 58.61% for freight trains.
8. The implementation plan within the scope referred to in clause 1 points 4 and 5 covers the railway undertakings that concluded Contracts for Use with PLK not later than 1 March 2019.

6.5.2. Performance monitoring

Principles and method of establishing the causes of train delays and attributing responsibility for delays

1. Reasons for delay shall be qualified in accordance with the rules referred to in the Ir-14 Passenger and Freight Train Control Manual.
2. Stations (commercial points) for settlement of compensation for train delays shall be the stations located in the PLK area.
3. Settlements shall not be subject to train delays:
 - 1) resulting from the launching of rescue trains going to the scene of an incident or a potentially dangerous situation on railway lines. Train delays caused by the passage of an emergency train shall be described by the cause code assigned to the event or potentially dangerous situation;
 - 2) caused by emergency situation and events, which, regardless of fault, shall be qualified as external or derivative (secondary) causes, not encumbering the railway undertaking and the PLK (groups of delay cause codes 8. and 9. according to Annex 1a to Instruction Ir-14).

The exception covers the reasons for a train delay described by the codes: 90-1, 90-2, 90-4 and 95-1 (only if the actual cause has not been established during the reference period) - the estimation and settlement of compensation for train delays shall be carried out in accordance with the Rail Transport Serious Accident, Accident and Incident Management Manual Ir-8;
 - 3) classified under code 23-1 (Electric traction power supply devices. Drops, interruptions, lack of voltage in electric traction) and code 23-2 (Interruptions in the supply of electricity to non-traction customers from the distribution network of energy companies) for reasons attributable to PKP Energetyka S.A. or another entity providing services of distribution and sale of electricity for traction purposes (assigned in SEPE to the relevant entity),
 - 4) carrying out transport of passengers and goods started on the basis of train path allocation applications submitted later than 5 days prior to planned train start, not carrying out transport of passengers and goods, and railway vehicles with own drive and carrying out maintenance and repair services (PW, PX, TH, TS, LP, LS, LT, LZ, ZG, ZN, ZU). Where the passage of these trains has caused secondary delays to passenger and freight trains, those responsible for such delays shall be required to pay compensation to the operators whose trains have been delayed.
4. Delays of awaiting passenger trains due to connection shall be eligible in case:
 - 1) they are included in the SEPE and EDR (Electronic Traffic Log) system under the tab "Connection/Switching of trainset" and others not included in systems, for which the time interval between the scheduled arrival time of one train and the departure time of another enables passengers to change trains, as a secondary delay from a delayed train in progress to connection (interchange);

- 2) the connection was requested by the railway undertaking carrying passengers for a change, and there is no time interval in the timetable to allow passengers to change trains, i.e. a train on time for connection arrives according to the timetable at a time that makes a change impossible or after the scheduled departure of an awaiting train – to the railway undertaking that carries passengers and wants them to change to an awaiting train. In this case, the delay of an awaiting train shall be an original delay as described in code 51-6 and shall be charged to the connection requesting railway undertaking, of which train is carrying the passengers that are to change trains;
 - 3) if, during the use of railway infrastructure, there are restrictions on its use, caused by an emergency or crisis situation, which makes it necessary for the railway undertaking to start alternative communication, then resulting train delays and delays of the communicated trains shall be eligible for Derived causes (secondary) code 94-1.
5. The way to qualify the causes of train delays caused by extended driving times:
- 1) train delays (including motive power units), resulting from extended journey time due to speed limits not included in timetable, must be eligible to PLK – group 24, 25, 29, 30, or 32-1 or 39-1 codes, depending on reason of speed limit;
 - 2) the extended journey time caused by the train running on the opposite main track shall be eligible according to the original reason, which led to the change in traffic organisation.
6. The way to qualify the reasons for delays of freight trains:
- 1) in case when due to operational disturbances it is not possible to continue the journey of the railway undertaking's train, after mutual agreement between the parties to the Contract of Use, the railway undertaking decides to "remove" the traction team. The railway undertaking shall be obliged to provide a traction team for this train within 300 minutes from the time when the reason preventing continuation of journey ceases to exist or from the time when the PLK provides information about possibility of continuation of journey. If the railway undertaking does not meet the above requirement, a train delay of up to 300 minutes shall be eligible for the root cause of the delay and over 300 minutes for code 93-3 of the group Derived (secondary) delays;
 - 2) in case when due to operational disturbances it is not possible to start or continue train journey, the PLK notifies the railway undertaking about this situation and the train is cancelled or ends its journey at intermediate station treated as a train termination station. In SEPE, the settlement of the compensation for train delay shall take place at the end of the journey;
 - 3) in case when occupation of railway tracks of starting station or other reasons caused by the owner of railway siding not owned by the railway undertaking or the PLK prevents planned train departure from this station, the delay shall

be qualified to code 41-1 - Secondary delays on PLK's network caused by events assigned to the manager from whom train is received;

- 4) in case when occupation of destination station's tracks is caused by the owner of railway siding not managed by the railway undertaking or the PLK and makes it impossible to bring a train to this station, and it is not a result of earlier train delay on journey's route, the delay shall be counted in code 40-1 – Secondary delays on the PLK's network caused by events assigned to manager, to whom train is handed over;
- 5) for the delay of a train that departed before time, the compensation for the delay of the train shall be settled from the time when the train's actual journey time coincides with its scheduled timetable. Secondary delays of passenger and freight trains caused by a train running before the scheduled time are to be borne by the railway undertaking – the owner of that train.

6.5.3. Financial model

6.5.3.1. Compensation

1. The amount of compensation due for the railway undertaking for one minute of train delay shall be established on the basis of average cost of making railway infrastructure available for passenger and freight trains, determined according to rates given in price list for train timetable 2020/2021, calculated on the basis of operational work performed during one minute, defined in train-kilometres (defined on the basis of train timetable data in the second half of 2019 and in the first half of 2020).

The rate of compensation per minute of the delayed train is determined as the quotient of the sum of the product:

- the operational work carried out on freight trains in the second half of 2019 and in the first half of 2020,
- passing time factor for freight traffic,
- average rate for access to railway infrastructure of freight trains in the 2020/2021 timetable,

and:

- the operational work of passenger trains in the second half of 2019 and in the first half of 2020,
- passing time factor for passenger traffic,
- average rate of passenger track access charge in the 2020/2021 timetable,

by

the sum of operational work carried out by freight and passenger trains in the second half of 2019 and in the first half of 2020.

The journey time factor, separately for freight and passenger traffic, shall be calculated as the quotient of the completed operational work in the second half of

2019 and the first half of 2020, by the total time of train journeys expressed in minutes. The amount of compensation for the minute of train delay in the train timetable 2020/2021 is PLN 5.40 (in words: five zlotys, forty groszy).

The calculation of the compensation rate per minute of delay takes into account the actual time of the train journey to ensure that elements such as the share of responsibility for causing disruption to train traffic, the ability to restore normal traffic conditions and average delays are taken into account.

2. The number of minutes of delay subject to the payment of compensation shall be calculated based on the greatest difference between the time of actual arrival and the time of commercial arrival ordered by the applicant and placed on the network managed by the PLK and the scheduled arrival time chosen from the entire train route.
3. The product of the prescribed number of minutes of delay to be compensated and the rate per minute of delay shall be the amount of compensation paid to the railway undertaking for the delay.
4. Where train delay, for which the compensation is due, is caused by multiple reasons and attributed to different actors, in order to allocate the number of minutes of delay and the amount of compensation referred to above to all responsible entities, the system calculates by percentage, the so-called number of load minutes.
5. The calculation of the percentage shall be done by counting all non-zero minutes of delay recorded from the initial running station of the train to the place where the greatest delay is reached, broken down by responsible entities and the individual causes of delay (codes). The ratio between the number of minutes allocated to each responsible entity for a delay and the number of minutes to be compensated shall determine the percentage of delay of the train.
6. The percentage of the share multiplied by the number of minutes to be compensated for train delay shall determine the number of debit minutes (for responsible entities and for specific reasons) which, after being multiplied by the rate per minute of delay, shall determine the amount of compensation to be paid by the responsible entities for train delays to the owner of the delayed train.
7. On the basis of the documentation kept by the PLK referred to in clause 10 point 3, the PLK shall determine for all participants in the transport process involved in causing train delay, their percentage share in the number of train delay minutes determined in accordance with clause 5;
8. In accordance with delay percentage share referred to in clause 5, the PLK shall determine the number of minutes of delay assigned to each entity responsible for train delays in relation to the number of train delay minutes determined in accordance with clause 6. The number of minutes of delay (load minutes) shall be calculated automatically in SEPE ("Settlement of the quality of provided services", "Quality" tab) and after the system has converted it into compensation – "Billing" shall be the basis for issuing debit notes.

9. In order to limit the amount of secondary train delays to be compensated for, code 91-1 shall be used to describe the secondary train delays resulting from this primary reason in the case of a long (more than 300 minutes) delay of a train qualified for the original reason, for further secondary train delays of the same already delayed train. If the journey of the so described delayed train causes secondary delays of other trains, the code for the reason of delay 92-1 or one of the 93rd group codes (secondary causes) shall be used for their description – for all delays described with 9th group codes – neither the PLK nor the railway undertaking shall bear financial consequences.
10. The PLK shall coordinate the payment of compensation as follows:
 - 1) The PLK pays compensation to the railway undertaking, if the railway undertaking's trains mentioned in sub-clause 6.5.1 clause 4, are delayed by the PLK (including its subcontractors) or other railway undertakings;
 - 2) The railway undertaking pays the compensation to the PLK for delays of other railway undertakings' trains mentioned in sub-chapter 6.5.1 clause 4 in case when it caused their delay;
 - 3) The basis of compensation settlements for each settlement period for train delays is the authorized documentation kept by the PLK and agreed with the railway undertaking - "Settlement of the quality of provided services" (tab: "Quality" – report of the PLK's receivables and liabilities calculated automatically in SEPE so called settlement billing).
 - 4) compensation settlements are carried out on a monthly basis, the settlement of each month shall be completed by the 20th day of the month following the settlement period, provided that, in the event of a change in the compensation rate per minute of delay during the December timetable change, that month shall be settled twice separately the previous and the new timetable. The settlements shall also include train delays marked by the railway undertaking in SEPE with the symbol "R". If the PLK fails to clarify the railway undertaking's complaint in due time, the PLK shall be liable for the delay;

6.5.3.2. Penalties for disruptive railway operations

1. The PLK shall charge the railway undertaking with financial penalty for disruption of railway activities in case of total fulfilment of the following conditions:
 - 1) failure by the railway undertaking to achieve the eligible punctuality according to transport segments, referred to in sub-chapter 6.5.1, clause 7;
 - 2) failure by the railway undertaking to meet the eligible punctuality referred to in sub-chapter 6.5.1 clause 3;
 - 3) failure by the railway undertaking to achieve at least the punctuality referred to in art. 18 of [the Regulation](#).
2. The amount of the penalty shall be determined as a product of:

- 1) number of running trains of the railway undertaking during the timetable period 2020/2021;
 - 2) difference of qualified punctuality of railway undertaking, referred to in sub-chapter 6.5.1 clause 3 and obtained punctuality by the railway undertaking during the train timetable period 2020/2021;
 - 3) the rates per minute of delay;
 - 4) the arithmetic mean of the number of minutes of train delay due to the fault of the railway undertaking.
3. The amount of penalty imposed on a given railway undertaking must not be higher than 0,1% of basic charge calculated for a given railway undertaking in the train timetable period 2020/2021.
4. A single penalty shall be imposed no later than on 31 March 2022.

6.5.3.3. Bonuses for achieving a level of performance higher than set out in the Performance scheme

1. The PLK shall pay cash bonus to the railway undertaking if the following conditions are fulfilled:
 - 1) achieving by the railway undertaking a punctuality higher than the established punctuality as per transport segments, referred to in sub-chapter 6.5.1 clause 7;
 - 2) achieving by the railway undertaking a higher eligible punctuality than that determined in accordance with sub-chapter 6.5.1 clause 3;
 - 3) achieving by the railway undertaking at least the punctuality referred to in art. 18 of [the Regulation](#).
2. The amount of the bonus shall be determined as a product:
 - 1) number of running trains of the railway undertaking during the timetable period 2020/2021;
 - 2) difference between the punctuality achieved by the railway undertaking during the period of validity of the train schedule 2020/2021 and the eligible punctuality of the railway undertaking during the period from 1 March 2019 to 29 February 2020;
 - 3) average length of the journey of undelayed trains;
 - 4) average rate depending on the weight of the train and the category of railway lines given in **Annex 9.1**.
3. The amount of bonus due for a given railway undertaking must not be higher than 0,1% of basic charge calculated for a given railway undertaking in the train timetable period 2020/2021.
4. The single payment of the bonus shall be made no later than 31 March 2022.

6.5.4. Governance and dispute resolution system

1. The rules of train delay arrangements, complaint handling and dispute resolution:
 - 1) The railway undertaking shall be obliged to verify and authorize the quality of train journeys based on the SEPE "Authorization" tab (marking the option "T-approval" or in the case of reservations "R - complaints"), at the latest within 3 working days after the end of the train. In the case of lack of verification and authorization of the train passage in the above-mentioned deadline, it shall be deemed that the railway undertaking has agreed the reasons for the delay;
 - 2) in the event of a reservation by the railway undertaking about the correctness of the reason for the train delay description (SEPE "R – complaints" markings), the designated the PLK employees shall immediately, in justified cases not later than within 3 working days of submitting a complaint recorded in SEPE, make a decision on the railway undertaking's objections.
 - 3) the railway undertaking shall submit grievances concerning the complaint handling procedure in the scope of description of the causes of train delays at the dispatching level, immediately after implementation of the stages listed in points 1 and 2, in justified cases, no later than on the seventh day after the end of the train's run to the PLK Railway Traffic Management Centre, which shall, within three consecutive working days, consider the objection of the railway undertaking and shall inform him of the method of examination;
 - 4) if, after carrying out the above procedures, the railway undertaking continues to have objections about the validity and correctness of his appeal, he shall have the right to submit a complaint without delay to the Office of Operation and Passenger Service of the PLK Headquarters or, in justified cases, no later than the 10th day of the following month.

The Office of Operation and Passenger Service of the PLK Headquarters considers the complaint within 5 working days. The railway undertaking should be informed of the manner, in which its objections are considered. In the case of unfavourable consideration of the objections, the railway undertaking shall have the right to submit an appeal by the 15th day of the following month. In addition, the railway undertaking may request from the infrastructure manager appropriate documentation relating to the delay of the train.

- 5) At the final stage of complaint handling concerning the reasons for train delays by the Office of Operation and Passenger Service of PLK Headquarters, all questionable and inexplicable causes of train delays resulting from malfunction of railway infrastructure resources are borne by PLK.
- 6) If, in a particular case, the cause was established and indicated the railway undertaking as responsible and the railway undertaking considers that he is

not responsible for the delay, the burden of proving the above shall lie with the railway undertaking.

2. The procedure for settling the compensation for train delays under the Implementation Plan shall be set out in the Implementation Agreement.

6.6. Changes to charges

1. The charging system, referred to in subchapters 6.2. and 6.3., will remain unchanged during timetabling period 2020/2021.
2. "List of railway lines with track gauge 1435 mm managed by PKP Polskie Linie Kolejowe S.A. with assigned price categories" constituting **Annex 9.3**, will be updated according to deadlines of changed traffic organization, indicated in **Annex 5.2**.

6.7. Billing arrangements

1. Billing of applicants and railway undertakings for provided services are made according to rules included in in Contract of allocation or in Contract of use.
2. Settlements are made with a 21-day payment from the invoice date.
3. For delays in paying receivables interest is accrued.
4. For the charges referred to in this chapter, the applicable tax on goods and services is added on the basis of separate provisions.

6.8. Financial guarantees

1. PLK may demand from the applicant/railway undertaking to submit a financial guarantee, referred to in the [Commission Implementing Regulation \(EU\) 2015/10 of 6 January 2015 on the criteria for applicants for rail infrastructure capacity and repealing Commission Implementing Regulation \(EU\) No. 870/2014](#).
2. The financial guarantee may only be submitted in the form of:
 - 1) advance payments aimed at reducing and regulating in advance the future obligations to make payments for services rendered in the framework of minimum access to railway infrastructure;
 - 2) guarantees provided by financial institutions, who commits to ensure that payments for services provided within minimum access to railway infrastructure are effected once they become due. Guarantee issued either by banks or insurance institutions unsupervised by Komisja Nadzoru Finansowego ('KNF') or by branches of foreign credit institutions apart from KNF list requires obtaining counter-guarantee from bank or insurance institutions supervised by KNF or by branches of foreign credit institutions from KNF list:

https://www.knf.gov.pl/podmioty/wyszukiwarka_podmiotow

The guarantee cannot be issued by banks or insurance institutions under recovery proceedings.

3. PLK bases his request for financial guarantee on credit rating of applicant or railway undertaking not older than two years, provided by a credit rating agency or another professional rating or credit scoring entity.
4. PLK shall inform applicant or railway undertaking on request about credit score provided him by professional rating or credit scoring entity.
5. The amount of financial guarantee required by PLK from applicant or railway undertaking is equivalent to the estimated gross amount of charges for ordered services within minimum access to railway infrastructure related to train service, and estimated gross charges for manoeuvres or stops of trains, accrued for maximum two consecutive billing periods. The validity period of financial guarantee issued by financial institution must involve whole timetable period and 2 consequent months after its expiry.
6. PLK applies the following financial guarantee requirements:
 - 1) for an applicant who is not railway undertaking:
 - a) in the case of positive evaluation of rating or credit rating, PLK shall not require submission of a guarantee from a financial institution, provided that the current receivable of the railway undertaking designated for capacity utilisation are settled within 60 days of their due date,
 - b) in the case of negative evaluation of rating or credit rating (or lack thereof), PLK has the right to demand the submission of a guarantee from financial institutions securing future receivables of the railway undertaking designated for capacity utilisation;
 - 2) for the railway undertaking:
 - a) in the case of positive evaluation of rating or credit rating, PLK shall not demand submission of financial institutions guarantee provided that current receivables for delivered services will be paid within 60 days from the date of being due,
 - b) in the case of negative evaluation of rating or credit rating of railway undertaking and when during the last 12 months the railway undertaking is not in arrears with payments over 30 days from the date of being due, PLK has the right to demand from this railway undertaking to submit a financial guarantee, unless current receivables for delivered services are paid within 30 days from the date of being due,
 - c) in the case of evaluation of negative rating or credit rating of railway undertaking and when during the last 12 months the railway undertaking is in arrears with payments over 30 days from the date of being due at least once, PLK has the right to demand from this railway undertaking to submit a financial guarantee securing future receivables for provided services within 10 days prior to the first day of the month in which train operation begins.
7. PLK has the right to demand complement/issuing additional financial guarantee in the following cases:

- 1) when during 2 months the amount of payments for ordered services, in the framework of minimum access to railway infrastructure related to train runs exceeds the planned values referred to in para. 5;
 - 2) when PLK uses part or whole financial guarantee for collateral of receivables.
8. In the case when applicant does not submit or complement the financial guarantee within deadline set by PLK in Contract of allocation, the applicant that is not a railway undertaking is called to submit guarantee of financial institution within 10 days deadline.
 9. In the case when railway undertaking does not submit or complement the financial guarantee within deadline set by PLK in Contract of use, he is called to submit guarantee of financial institution within 10 days deadline or to make advance payment within 7 days from the date of receiving of the summons. The lack of submission or complement of the financial guarantee required from railway undertaking by the summons (understood as advance payment or guarantee of financial institution) may result in PLK's application to the President of UTK for termination of Contract of use.
 10. Guarantee of financial institution should be submitted according to template attached to Contract of allocation or Contract of use. PLK allows guarantees which provisions differ from the template after prior approval of their content.
 11. Details of submission, complement and payment of guarantees of financial institutions are included in Contract of allocation or Contract of use.
 12. PLK does not demand the submission of a financial institution's guarantee in the event of payment of charges for services provided within minimum access to railway infrastructure directly to PLK by the competent authority pursuant to [Regulation \(EC\) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 concerning public services on passenger transport services by rail and by road and repelling the Commission Regulation \(EEC\) No. 1191/69 and \(EEC\) No. 1107/70.](#)

7. PROCEDURE DURING EXECUTION OF CONTRACT OF USE

7.1. Organisation and execution of train journeys

1. The composition of wagons or other rail vehicles coupled with motive power unit or single motive power unit signalized and ready to run gains the train status when it is ready to depart at the origin station. Train status is maintained by all trains coming from the network of other managers (with delay not exceeding 18 hours) or service facilities or private infrastructure based on timetable.

The train status expires when:

- 1) the train arrives to terminus station specified in the timetable or leaves PLK network;
- 2) the train driver informs the intermediate station that there is no possibility of continuing the journey for reasons laying on the railway undertaking's side or if it is not ready to depart within 24 hours from arriving at the intermediate station.

In the event of the train's status expiry, the train starts again after allocation of new train path.

Railway traffic on PLK's lines is operated according to prepared timetable on the basis applications of train path allocation.

2. Journeys are preceded by dispatcher's planning of train movement. Railway undertaking is obliged to input information to IT application available for railway undertakings and designed for electronic planning.

Dispatcher's planning does not involve embarked passenger trains, except their cancellation.

For trains with dangerous goods of high risk (TWR) and for trains with exceptional transport, railway undertaking shall call to territorially relevant branch of Railway Traffic Management Centre (contacts in **Annex 4.3**) with additional information about planned inclusion into trainset wagons with:

- 1) TWR, specifying:
 - a) the number of wagons,
 - b) UN numbers and risks,
 - c) route of transport with TWR (dangerous goods of high risk) on the train;
- 2) exceptional transports, specifying:
 - a) the number of wagons,
 - b) type of shipment, e.g. exceeded gauge, exceeded pressure,
 - c) route of exceptional consignment,
 - d) number of consent for journey with exceptional transports in international traffic and order on exceptional good carriage or number of consent for journey with exceptional transports in domestic traffic and order on

exceptional good carriage or number of order on exceptional good carriage.

3. Information, referred to in par. 2, must be submitted no later than:

- 1) 21⁰⁰ to 22⁰⁰ of the previous day, if the train run is to commence on the following day, between 0⁰¹ and 6⁰⁰;
- 2) 3⁰⁰ to 4⁰⁰, if the train run is to start between 6⁰¹ and 12⁰⁰;
- 3) 9⁰⁰ to 10⁰⁰, if the train run is to start between 12⁰¹ and 18⁰⁰;
- 4) 15⁰⁰ to 16⁰⁰, if the train run is to start between 18⁰¹ and 24⁰⁰.

In justified cases, PLK allows announcing additional information about incorporation of wagons with dangerous goods of high risk (TWR) and wagons with exceptional transports in a train apart from dispatcher's planning process, however not later than 60 minutes before train departure.

4. In the case when - by technical-operational reasons or effective use of railway lines - traffic organisation must be adjusted to new circumstances revealed during use of railway line/sections, PLK notifies railway undertakings about respective changes.

5. In the case of train timetable deviations during train operation - priority grades pointed out in subchapter 4.3.1. par. 3 are applied reflecting capacity utilization and minimisation of delays. Furthermore in freight traffic trains running in accordance with the timetable have priority.

6. The dispatcher of the territorially relevant branch of PLK Railway Traffic Management Centre for the place of starting the train may authorise the start of a train whose notification of readiness for departure for reasons solely on the part of the railway undertaking has been delayed by no more than 12 hours.

PLK accepts a delayed train without a 12-hour time limit if the delay is due solely to PLK's fault.

The accepted delayed train is run according to journey time taken from the train timetable prepared for this path.

7. In case of unplanned change of traction or conductor teams the railway undertaking shall agree with the dispatcher of territorially competent dispatcher branch office of PLK Traffic Management Centre on the station to carry out the said change.

8. PLK's employees responsible for driving trains issue binding instructions to drivers of railway vehicles within the scope of ensuring safety and driving traffic on PLK's railway lines.

9. During the implementation of the timetable, the use of a train path below the 70% threshold in the preceding period may result in the exclusion of the right to use the train path.

10. In the case of a railway infrastructure section with insufficient capacity, the use of a path below the 90% threshold in the preceding period may result in the exclusion of the right to use the train path.

11. The deprivation of the right to use the path referred to in paragraphs 9 and 10 shall be preceded by an examination of the use of the path during at least one preceding month. PLK notifies applicant about time of starting of examination and about loss of path, which may take place not earlier than from the first day of the month following the month in which the examination was conducted.

7.2. Inspection proceedings carried out by authorized personnel of PLK

1. PLK employees having personal authorizations issued by the Director of Safety Office of PLK Headquarters, are entitled to carry out inspection proceedings in the presence of the train team representative in order to ensure safe traffic management according to the provisions, including:
 - 1) equipment of railway undertaking's staff and railway vehicle with the following documents and tackle:
 - a) driver's licence and certificate,
 - b) permit issued according to subchapter 7.4,
 - c) current internal timetable card for the train and Annex 2 to the WRJ, covering the entire passage path,
 - d) breaking and pneumatic devices sheet,
 - e) forms of written cautions running orders,
 - f) vehicle dispatch card,
 - g) operative radiotelephone,
 - h) signal devices (i.e. trumpet or whistle, flag, flashlight),
 - i) certificate of technical efficiency,
 - j) written instruction for loco driver handling dangerous goods transport – according to chapter 5.4.3.1 RID;
 - 2) train layout in accordance with the parameters of the allocated train path;
 - 3) the driver's knowledge of the line sections.These actions shall not infringe safety rules.
2. PLK notifies railway undertaking on results of inspection proceedings within 14 calendar days after their completion.
3. PLK has the right to prevent train journey of railway undertaking or to stop train journey in case when the railway undertaking does not meet requirements specified in the provisions.
4. PLK checks the observance of order regulations on PLK's railway area, in trains and railway vehicles of the railway undertaking.
5. The rules of riding in operative driver cabs, their purpose and the list of PLK's employees for which permits are issued are provided for in **Annex 10**. PLK's employee is obliged to show his personal permit to the train driver without a call.

7.3. Compensations, accounts for defaulting on commitments

1. Defaulting on commitments, resulting from Contract of use, results in responsibility for damage done to the other party.
2. Responsibility for damage, referred to in par. 1, does not concern:
 - 1) costs borne as a result of accounting for other contracts signed by the party, if these contracts were signed without prior agreement with the other party of Contract of use in the field of possible claims (particularly including those borne by the party by way of conventional penalties and compensations);
 - 2) lost benefits with the exception of claims resulting from Contract of use with other railway undertakings if this condition was included in Contract of use with the given railway undertaking.
3. Responsibility for damage, referred to in par. 1, concerns in particular to the railway undertaking's payment of compensation under the transport law, applicable European Union regulations, in particular [Regulation \(EC\) No. 1371/2007 of the European Parliament and Council of 23 October 2007 on rail passengers' rights and obligations](#) and agreements, compensation for damage caused to consignments or damage and delays in transport due to the fault of PLK.
4. PLK's responsibility for not fulfilling or improper fulfilling commitments resulting from Contract of use is excluded when railway undertaking does not adhere to the parameters, which are elements of timetable.
5. Responsibility of the parties for not fulfilling commitments resulting from Contract of Use is excluded in the case of exceptional or crisis situations.
6. If, due to not executed or improperly carried out Contract of use, damage was experienced by the third party, the party who compensated the damage to the third party may enforce right of recourse completely or in a relevant part from the other party.
7. If the railway undertaking causes environmental pollution to the extent that it exceeds the environmental quality standards, the railway undertaking is obliged to cover the costs related to restoring the environment to the required environmental quality standards, including those determined pursuant to the [Act from 27 April 2001 on Environmental Protection Law](#) and in the [Act from 20 July 2017 on the Water Law](#).

7.4. Permits for railway undertaking's employees

1. PLK, at the request of railway undertaking, issues for railway undertaking's employees, on the basis of 'Rules on entrance on railway area managed by PKP Polskie Linie Kolejowe S.A. Id-21", indicated in **Annex 3.2**, named permits to stay on the railway area of PLK, in order to perform activities connected with execution of the Contract of Use.
2. Permits entitles entry on railway area or its clearly specified part and they are valid only with ID card of holder.

3. Permits referred to in section 1 shall be valid for the period specified therein but no longer than two years from the date of issue.
4. Railway undertaking submits application for permits to the following organisational units of PLK:

- 1) Rail Protection Guard Headquarters - for the whole railway area or its part, bigger than area of operation of one SOK regional department, to:

**PKP Polskie Linie Kolejowe S.A.
Komenda Główna Straży Ochrony Kolei**

00-801 Warszawa, ul. Chmielna 73A

e-mail: sok.komenda@plk-sa.pl

city tel.: (00 48) 22 473 41 62; railway tel.: (922) 474 41 62

city fax: (00 48) 22 474 41 57; railway fax: (922) 474 41 57

- 2) Regional Department of the Rail Protection Guard – for an area smaller than or equal to the area of operation of one SOK regional department.

List of regional departments of Rail Protection Guard is included in **Annex 4.2**.

5. Eligibility documents are issued at the applicant's written request the form of which constitutes an annex to "Rules on the entrance to the railway area managed by PKP Polskie Linie Kolejowe S.A. Id-21".
6. The issuer shall charge a fee of PLN 10.00 net for issuing the permit referred to in section 1.
7. The issuer can refuse issuing or limit scope of permit for the purposes of traffic safety, protection of secret information or personal data, or because of other important reasons.
8. The railway undertaking is obliged to return permit to issuing body when reason for its issue has ceased.
9. The railway undertaking which applied for the issue of the permit shall notify the issuer in writing of the loss of such permit and explain circumstances in which it was lost.

7.5. Announcing readiness for departure by railway undertaking

1. Readiness for departure of railway undertaking's train from departure or intermediate station, on which according to timetable the following actions take place:

- 1) adding/detaching of cars/wagons or group of cars/wagons;
- 2) change of traction vehicle or traction team;
- 3) brake test;
- 4) inspection of train

is reported to traffic controller by driver of the train, in the case of passenger trains – after agreement with train conductor.

2. Report is made with use of train radio-communication equipment and includes:

- 1) train number and undertakings name;
 - 2) driver's name, motive power unit number and series;
 - 3) train's total weight and length (in metres);
 - 4) information about wagons with dangerous goods located in train set or wagons with dangerous goods of high risk (TWR), giving their quantity and identification number of carried good (UN) and/or exceptional good, giving number of received consent for journey with exceptional transports being thereby an order on exceptional good carriage (address four) or number of consent for journey with exceptional transports in international or domestic traffic or number of order on exceptional good carriage (address four);
 - 5) report time.
3. Report on readiness for departure is written down by traffic controller in R-138 telephone calls register, together with information reported by driver.
 4. Driver's report, referred to in par. 2, is confirmed by traffic controller together with information including:
 - 1) traffic controller's name;
 - 2) time of receiving the report;
 - 3) number, under which report was registered in R-138 telephone calls register.
 5. Readiness for departure is regarded as accomplished in a date obliging PLK to execute journey according to Contract of use, only when it was reported before scheduled train departure, on time set in technical regulations, except of driving crew changeover, after which readiness for departure should follow during sufficient time for scheduled train departure.
 6. In the case of breach of the deadline for report on readiness for departure, according to principles specified above, railway undertaking has no right to claim about punctuality of journey.
 7. It is allowed to submit information of readiness to departure in a different way than specified in rec-s. 1-5, if such a way is specified in technical regulations of the operating control point.

7.6. Incorporation of PLK's inspection vehicles to railway undertaking's trains

1. The railway undertaking, at separate request of PLK, will add – within operational-technical capabilities – single wagon of PLK to the train (included in Contract of use), to execute by PLK's employees control and diagnostic actions concerning managed railway network.
2. The request, referred to in par. 1, must be submitted to railway undertaking at least 5 working days before planned journey.
3. The request, referred to in par. 1, signed by the applicant must include:
 - 1) name of recipient railway undertaking;

- 2) address of PLK's organisational unit submitting the request;
 - 3) registration number, date of preparation;
 - 4) reference to specific train in Contract of use;
 - 5) purpose of journey (detailed justification);
 - 6) series, number, max. speed, total weight and braked weight of the adding wagon, requested by applicant;
 - 7) schedule of journey, including:
 - a) date of journey,
 - b) traffic relations,
 - c) numbers of trains to which wagons will be added;
 - 8) desired position of the wagon in the train;
 - 9) information concerning wagon's personnel and name and position of the managing person;
 - 10) notified copy of technical efficiency certificate.
4. At least 2 calendar days before planned journey, railway undertaking shall notify PLK on decision regarding request, or together with PLK shall correct schedule of journey.
 5. Journey is executed in accordance with railway undertaking's own regulations.
 6. After execution of journey, PLK is obliged to cover additional direct cost born by railway undertaking for including and run of PLK's control and inspection wagons.