PKP POLSKIE LINIE KOLEJOWE S.A.

*Zarządca narodowej sieci linii kolejowych*

# NETWORK STATEMENT
# 2021/2022

**Warszawa, 2020**

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# Glossary

1. This Network Statement applies the terminology concerning railway infrastructure access defined in the current legislation, and specifically, the Polish Act of 28 March 2003 on Railway Transport and its secondary legislation, specifically the Polish Regulation of the Minister of Infrastructure and Construction of 07 April 2017 on the access to railway infrastructure.
2. For the purposes of this Network Statement, the following terms and abbreviations are applied as defined below:
   1) **Applicant**: A Rail Undertaking (RU), an international RU cluster of business interests, or a different undertaking interested with provision of rail capacity to it, especially organisers of public railway transport, freight forwarders, and combined transport operators [ad defined in Article 4(9b) of the Act];
   2) **CID** *(Corridor Information Document)*: A document which specifies the information concerning the conditions for operation on a rail freight corridor as construed 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-based one-stop shop for handling the applications for the rail infrastructure capacity as construed 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) **cyclic timetable**: A timetable for a group of trains pursuant to the definition established in § 2(1) of the Regulation;
   5) **business day**: Each day from Monday to Friday inclusive and excluding public holidays;
   6) **Directive 2012/34/EU**: Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area;
   7) **IRJ**: ad-hoc timetable, as construed under § 8 of the Regulation;
   8) **ISZTP** – "Zamawiaj i Jedź" Online Train Path Requisition System: A computer application which facilitates applicants and RUs to comprehensively handle the capacity allocation applications;
   9) **PLK Catalogue**: The range of train paths developed and published according to the recurring capacity demand against the IRJs (ad-hoc timetables) or on applicants' request;
   10) **rail freight corridor**: A freight corridor as construed 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;

11) **submitted application collision**: A situation in which at least two applicants submitted applications for train path allocation (pursuant to the 'train path' definition established in Article 4(12) of the Act) to operate on the same rail line section at the same time;
12) **coordination**: The process by which PLK consults the concerned applicants to solve a submitted application collision;
13) **International Timetabling Conferences**: The conferences held with the intent to agree on the international train paths. The International Timetabling Conferences are held under FTE (Forum Train Europe), OSŻD (Organization for Railway Cooperation) and RNE (RailNetEurope) and others, co-organized by PLK;
14) **construction area**: An area defined by PLK for the operation of the timetable construction position;
15) **OCTOPUS**: A dedicated computer interface of the SKRJ system based on SOAP (*Simple Object Access Protocol*) communication protocol. The interface features a passive part (SKRJ communication to RU) and the active part (RU communication to SKRJ);
16) **congestion period**: A part of the day, a full day or days determined by PLK on which the demand for capacity of a railway line or its section cannot be fully satisfied, including the train parameters ordered by an applicant, even after a coordination;
17) **PLK**: PKP Polskie Linie Kolejowe S.A. with its registered office in Warsaw;
18) **express train**: A passenger train operating on domestic (EI) or international (EC, EN) links at a maximum speed above 130 km/h for carriage of passengers between metropolitan areas or tourist centres. An express train runs with zero to few stops, and the stops are limited to large cities or major railway hubs. An express train formation features premium class areas/wagons and a separate dining wagon/area;
19) **non-commercial passenger train**: An empty passenger wagon formation or passenger train which is not carrying passengers;
20) **international train**: A train operating on cross-border links, with the exception of cross-border trains;
21) **interregional train**: A passenger train operating on domestic links and crossing the border between two or more Polish voivodeships, and other than a regional train;
22) **cross-border train**: A regional train operating in a cross-border zone which referred to in the Polish Act of 16 December 2010 on Public Mass Transport;
23) **regional train**: A passenger train operating within the administrative limits of a single Polish voivodeship or to the nearest station in an adjacent voivodeship for transfer to a downstream leg of travel or reversal of the train run to return to the origin, or a passenger train running to a railway station

located no further than 30 km into the adjacent voivodeship's territory, and other than a interregional train;

24) **PLK personnel**: The employees of PLK and other agents commissioned by PLK to discharge an Allocation Agreement, a Usage Agreement, or a Framework Agreement;
25) **RU personnel**: The employees of an RU and other agents commissioned by the RU to discharge a Usage Agreement;
26) **President of UTK**: The President of the Polish Office of Railway Transport;
27) **maintenance shutdown**: Ordered by an IM, a temporary restriction in railway infrastructure access by RUs for the duration of which new construction, upgrading, repairs, and running maintenance work is carried out;
28) **RU**: A railway undertaking as defined in Article 4(9) of the Act;
29) **occasional service**: Occasional passenger carriage as defined in Article 4(22a) of the Act and performed within the remaining capacity;
30) **framework capacity**: The capacity reserved under the Framework Agreement;
31) **time frame**: The time specified in the Framework Agreement during which PLK reserves the framework capacity for a planned train path;
32) **Network Statement**: This Network Statement;
33) **SIF Regulations**: The terms and conditions of access to the service infrastructure facilities managed by PKP Polskie Linie Kolejowe S.A., available on www.plk-sa.pl, website 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];
34) **train route**: The route of passage between the timetable-specified start and end points of a train run, whereby the start point of the train route cannot be its end point at the same time;
35) **Regulation**: The Polish Regulation of the Minister of Infrastructure and Construction of 07 April 2017 on the access to railway infrastructure;
36) **RRJ**: The Annual Timetable as construed under Article 29f of the Act;
37) **SEPE**: Operating Performance Recording System;
38) **SID**: Rolling Stock Emergency Detection IT System;
39) **railway network**: A system of interconnected rail roads managed by an IM (infrastructure manager);
40) **SKRJ**: Timetable Construction System;
41) **timetable study**: A timetable proposal, which is not the basis to permit a train service (run) but only preliminary information on the routes and times of train runs;

42) **crisis**: A situation which is consequential to an emergency and results in disturbance to the operations and carriage process carried out on the railway lines managed by PLK and in the buildings and other structures intended for processing of personnel and cargo, where a crisis can be local, regional, nationwide (railway network-wide), or international; a consequence of a crisis is a violation of the train traffic safety regulations, risks of injury or death, and/or material or environmental damage;

    A crisis may arise in particular from the following emergencies:

    a) Terrorist emergencies, like attacks on railway infrastructure facilities, physical damage or destruction of the facilities, or hazardous contamination of the facilities and/or the environment;
    b) Natural emergencies, which include natural disasters (flood, fire, high winds, heavy rainfall or snowfall, lightning strikes, seismic tremors, landslides, etc.);
    c) Technical emergencies, which are hazardous events or near misses which, as construed under Ir-8, Rail Transport Severe Accident, Event and Incident Management Instruction, include: power grid failure, communication system failure, ITC system failure, etc;
    d) Social emergencies, which include protests, strikes, lockouts, mass events, etc.;
    e) Political emergencies, consisting in elevated activity of formal and unformal groups in the society which disable the state administration from continuing its primary functions, yet nor resulting in a declaration of one of the States of Emergency, or Crisis / Wartime Defence Condition Preparedness on the territory of Poland or its part. Political emergencies may result from breach in international agreements or laws, unwillingness of the state to international cooperation, evolution of aggressive ideological movements, shifting of the state borders, opposition to stabilisation or integration tendencies on the regional level, the emergence of secessionist groups and their endeavours for autonomy, anti-national policy of other states, or intimidation of certain states;
    f) Organisational emergencies, resulting from improper organisation of work or improper organisation and performance of duties by RUs;

43) **emergency**: A situation in which, as a result of a sudden event caused beyond reasonable control of the parties to an Agreement for Capacity Usage and which neither of the parties could have prevented, and leading to a disturbance or a risk thereof to the operating process on the PLK railway lines, it is impossible to discharge the obligations defined in the Agreement for Capacity Usage.

An emergency can be a result of:

a) A declaration of one of the States of Emergency (a Natural Disaster Emergency, a Special Emergency, or Martial Law), the State of Biohazard or the State of Contagion on the territory of Poland or its part, or any other event which are consequential to the orders of public authorities (central or local), resulting in changes to the operating process;

b) A terrorist threat;

c) A natural phenomenon, including flood, fire, high winds, landslide, lasting rainfall or snowfall, and lightning strikes;

d) Other unforeseen events, including:

- collision of a train with a bystander;
- collision of a train with animals or ingress of animals into the gauge;
- social protests;
- failure in external power grids or external communication networks, etc.;

44) **near miss**: An operating event or a rail incident which is not a severe accident, an event or an incident and causes a slight increase in the risk level, up to the maximum manageable level which is not above the acceptable risk level per the definition stated in Instruction Ir-8;

45) **single network path**: A train path which does not cross beyond a single railway network;

46) **international path**: A train route which crosses two or more railway networks and crosses the border of the Republic of Poland;

47) **multi-network path**: A train route which crosses two or more railway networks and remains within the borders of the Republic of Poland;

48) **reference path**: A standard which specifies the estimated train run times of the train. It is developed in preparation for the construction of a new Annual Timetable;

49) **Allocation Agreement**: An agreement on allocation of capacity referred to in Article 29d of the Act and concluded with an applicant in writing, otherwise being void and null;

50) **Usage Agreement**: An agreement on capacity usage referred to in Article 30c of the Act and concluded with an RU in writing, otherwise being void and null;

51) **Framework Agreement**: A contract for the requisition of capacity in a period which exceeds the valid time of RRJ [as defined in Article 4(9c) of the Act], concluded with an applicant in writing, otherwise being void and null;

52) **dSAT devices (Rolling Stock Emergency Detection devices)**: Trackside devices which protect against release of inoperative railway vehicles

to service or against release to service of railway vehicles which the axle loads on track above the specified maximum limits;

53) **The Act**: The Polish Act of 28 March 2003 on Railway Transport;

54) **competent authority**: A public authority or a group of public authorities of a Member State or Member States of the EU, authorised to intervene in public passenger transport services in a specific geographical area, or an institution with the same authority, as construed under 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) Nos. 1191/69 and 1107/70;

55) **WRJ**: An internal timetable, intended for internal use by PLK personnel and RUs;

56) **pre-arranged international train path**: A train path as construed under 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;

57) **traffic diagram**: A graphical representation of the timetable, mapped by visualisation of train paths in a system of time and route coordinates;

58) **Crisis Management Team**: A detachment of the Railway Crisis Management System, appointed within the PLK structure;

59) **ZRJ**: An alternative timetable developed as part of a change in the timetable resulting from planned new construction, repairs, or maintenance of the railway lines; while the change is in effect, no train path allocation applications are accepted for examination.

# 1. GENERAL INFORMATION

## 1.1. Introduction

1. PKP Polskie Linie Kolejowe Spółka Akcyjna (S.A.), entered into the register of entrepreneurs of the National Court Register (KRS) kept by the District Court for the capital city of Warsaw in Warsaw, 14th Commercial Division of the National Court Register under KRS number 0000037568, NIP: 113-23-16-427, REGON: 017319027.
2. PLK operates by discharging the mission of an IM (infrastructure manager) on the railway network it manages in compliance with the PLK Bylaw, the regulations of the Polish Act of 28 March 2003 on Railway Transport, the Polish Act of 15 September 2000 on the Commercial Company Code, the Polish Act of 8 September 2000 on the commercialization and restructuring of the state-owned enterprise "Polskie Koleje Państwowe", and other regulations of law, as applicable.
3. PLK has Safety Authorisation No. PL/31/0018/0013 valid from 1 March 2021 to 1 March 2026.

## 1.2. Purpose of the Network Statement

The purpose of the Network Statement is to establish the terms and conditions of cooperation and the requirements for access to the PLK-managed railway infrastructure which apply to all applicants and RUs.

## 1.3. Legal aspects

### 1.3.1. Legal Framework

The basic legal preconditions for the operation of railway transport, including access to the railway infrastructure, are specified in the regulations of the Act, its secondary legislation, and other generally applicable regulations of law, including the regulations of commercial transactions between commercial entities.

### 1.3.2. Legal Status and Liability

1. The Network Statement is produced on the basis of Article 32 of the Act and § 27 of the Regulation.
2. The draft Network Statement is consulted with the applicants in accordance with § 27(3) of the Regulation. The comments of the applicants regarding the narrative part of the draft Network Regulation are discussed by the Council of Railway Undertakings which operates within the PLK Management.
3. A summary of the comments submitted is published on the PLK website together with the notice of the comment examination procedure and the rationale for each rejected comment.

4. The Network Statement is adopted for application by a Resolution of the PLK Management.
5. PLK is responsible for the data published in the Network Statement, monitors the correctness of the data and updates it on the date of Network Statement version revision issue.
6. PLK shall not be liable for any information published by third parties on the Internet addresses listed in the Network Statement, including the data developed by other IMs and service infrastructure facility operators

### 1.3.3. Appeals Procedure

Complaints and requests concerning PLK operations are accepted and examined by all PLK organizational units as applicable to their operational jurisdiction.

All matters related to access to the railway infrastructure are processed in compliance with the applicable Allocation or Usage Agreement.

## 1.4. Structure of the Network Statement

1. The structure of the Network Statement is adapted to the Common Structure and guidelines for the implementation of network statements adopted by the European IMs who are members of RailNetEurope (RNE), as referred to in subchapter 1.7.2, on the basis of the existing European legal framework. These guidelines will be updated as necessary and their current version is available on the RNE website.
2. The purpose of the Network Statement Common Structure is to provide access to analogical information concerning the specific RNE IMs in identical section references, in every Network Statement.
3. This Network Statement comprises the following parts:
   1) Narrative:
      a) Chapter 1 contains general information about the Network Regulations;
      b) Chapter 2 provides the main technical and functional characteristics of the PLK railway network;
      c) Chapter 3 establishes the legal requirements and conditions for access to the PLK railway network;
      d) Chapter 4 establishes the procedure for train path allocation;
      e) Chapter 5 contains an overview of the services provided by PLK and the service charges;
      f) Chapter 6 provides a description of the regulations of operations, including the obligatory procedures for interruptions;
      g) Chapter 7 contains information on service infrastructure facilities.
   2) Annexes: These include the characteristics of the railway network, the lists of organisational units and teams referred to in the narrative part of the Network Statement, specimens of forms, a list of internal regulations applicable to applicants and RUs, track closure schedules, and PLK contact details.

## 1.5. Validity Period, Updating and Publishing

### 1.5.1. Validity Period

This Network Statement applies to the applications for capacity allocation and for the use of allocated capacity under the 2021/2022 Timetable which will be effective from 12 December 2021 to 10 December 2022.

### 1.5.2. Updating

1. The amendments in the Network Statement narrative part are made after prior consultation with the applicants. The amendments enter into force in 10 days of their commitment.
2. The amendments to **Annex 5.3** can be made before the submission period for the applications for RRJ. The amendments which increase the remaining capacity can be made outside the application submission period.
3. The amendments resulting from revisions in the prevailing regulations of law are made at the times established in those regulations of law.
4. PLK updates the data in the annexes which characterise the railway infrastructure and affect the preparation of the timetable at the latest before the draft ZRJ submission date specified in **Annex 5.2**.
   The information in the annexes which characterise the PLK railway infrastructure reflects the PLK railway infrastructure status as of the date specified in the annexes and become effective from the date of print to the date of revision, of which the applicants are notified.
5. PLK will, as required, update the data in other annexes to the Network Statement.
6. The consultations referred to in chapter 1.3.2 and section 1 above are carried out via e-mail communication with the applicants. The contact e-mail addresses for the communication regarding the Network Statement shall be reported to: regulamin@plk-sa.pl.
7. Applicants may submit their comments via e-mail in 14 days of receipt of the notice of draft Network Statement amendment publication on the PLK website.

### 1.5.3. Publishing

1. The full text of the Network Statement and its annexes is available for download, free of charge, in an electronic format, from www.plk-sa.pl, website tab: *Dla klientów i kontrahentów / Warunki udostępnienia infrastruktury i regulaminy / Regulamin sieci [For customers and partners / Terms of access to infrastructure and regulations / Network Statement].*

   The English version of the Network Statement is available directly from en.plk-sa.pl, website tab: *For customers and partners / The rules for allocating train paths*, via the RNEw website.

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

2. PLK informs the applicants by e-mail about the announcement of the Network Statement and its amendments and updates, provided that the applicant's e-mail address is provided at the reporting e-mail address specified in subchapter 1.6 section 5.
3. The update of the data in the annexes which characterize the network infrastructure is published as a comparison to the previous version of the data.

## 1.6. Contacts

1. The contact details of the personnel at PLK S.A. who provide detailed information about the technical and operating parameters of railway lines, operating control points and the safety of rail carriage of hazardous goods are specified in **Annex 4.1**.
2. The contact details of the Railway Security Guard (SOK) Regional Departments are specified in **Annex 4.2**.
3. The contact details of the Centrum Zarządzania Ruchem Kolejowym PLK [PLK Railway Traffic Management Centre] regional departments are specified in **Annex 4.3**.
4. The contact details of the PLK organisational units and teams are specified in the relevant Network Statement Chapters.
5. Send all comments and inquiries concerning the Network Statement to:

   **PKP Polskie Linie Kolejowe S.A. Centrala**
   **Biuro Sprzedaży**
   ul. Targowa 74, 03-734 Warszawa
   e-mail: regulamin@plk-sa.pl
   city tel.: (00 48) 22 473 30 80
   railway tel.: (922) 473 30 80
   mobile: (+48) 780 098 698

## 1.7. Cooperation Between European IMs/ABs

### 1.7.1. Rail Freight Corridors

1. Three international Rail Freight Corridors (RFCs) cross the rail network managed by PLK. The RFCs were established pursuant to 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:
   1) **Baltic-Adriatic Rail Freight Corridor 5 (RFC5)**:
      Świnoujście/Gdynia – Katowice – Ostrava/Zilina-Bratislava/Vienna – /Klagenfurt – Udine – (Venice – Bologna/Ravenna) / Trieste/ – Graz – Maribor –Ljubljana – Koper/Trieste;
   2) **North Sea-Baltic Rail Freight Corridor 8 (RFC8)**:
      Wilhelmshaven / Bremerhaven / Hamburg / Amsterdam / Rotterdam / Antwerp – Aachen – Hannover / Berlin – Warsaw – Terespol (Polish-

Belarussian border) / Kaunas - Riga – Tallinn / Falkenberg – Prague / Wrocław – Katowice – Medyka (Polish-Ukrainian border)[1];

3) **Amber Rail Freight Corridor (RFC11)**:

Koper – Ljubljana – / Zalaszentiván – Sopron/Csorna – / (Hungarian-Serbian border) – Kelebia – Budapest – / – Komárom – Leopoldov / Rajka – Bratislava – Žilina – Katowice / Kraków – Warsaw / Łuków – Terespol – (Polish-Belarussian border).

The list of the railway lines included in these European RFCs is shown in **Annex 2.17**.

2. The conditions for RFC use are established in CID documents. The detailed information about the offer, including pre-arranged international train paths, capacity reserve, and CID documents are published in English at:

   www.rfc5.it

   www.rfc8.eu

   www.rfc-amber.eu

## 1.7.2. RailNetEurope

1. PLK is a member of RailNetEurope (RNE), which is an organisation of European railway infrastructure managers (IMs) and allocation bodies (ABs).
2. The information about the international cooperation of IMs from the countries associated with RNE are published in English language at:

   http://www.rne.eu/organisation
3. The English-language versions of domestic Network Statements for the countries associated with RNE are published at:

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

**RNE Tools**

4. Basic IT tools of RNE:

   1) **PCS**: Path Coordination System:

   http://pcs.rne.eu/

   2) **CIS**: Charging Information System:

   http://cis.rne.eu/

   3) **TIS**: Train Information System:

   http://tis.rne.eu/

   Further information about the functionalities of each tool can be found on the websites listed above.

[1] Extending RFC8 to Medyka will take place in 2022/2023 timetable.

**One Stop Shop (OSS)**

5. OSS (One Stop Shop), operated within the RailNetEurope international network of OSS locations
   **PKP Polskie Linie Kolejowe S.A.**
   **Centrum Zarządzania Ruchem Kolejowym**
   **One Stop Shop**
   ul. Targowa 74, 03-734 Warszawa
   e-mail: oss@plk-sa.pl
   city tel.: (00 48) 22 473 34 69; railway tel.: (922) 473 34 69
   city fax: (00 48) 22 473 23 59; railway fax: (922) 473 23 59
   **Business hours: $7^{30}$ – $15^{30}$, Monday to Friday (closed on state holidays)**

**About the One Stop Shop (OSS)**

6. PLK One Stop Shop supervises the process of coordinating international train runs in compliance with IRJ and provides information about the following topics in close cooperation with other OSS units, especially in the adjacent IM jurisdictions:
   1) The products and services offered by IMs;
   2) The conditions for access to the railway infrastructure of any RNE-affiliated IMs;
   3) The railway infrastructure access charges enforced by the RNE-affiliated IMs.
7. The list of OSS contact points and detailed information about RNE IT tools are found at the following address:

   http://www.rne.eu/
8. The information about the contact details of foreign OSS cells is published in English language at:

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

## 1.7.3. Other International Cooperation

The information about the PLK activities in international organizations can be found on www.plk-sa.pl, website tab: *Dla klientów i kontrahentów / Współpraca Zarządców / Współpraca międzynarodowa [For customers and partners / Cooperation of IMs / International cooperation]*

# 2. INFRASTRUCTURE

## 2.1. Introduction

1. Chapter 2 specifies the characteristics of the railway infrastructure managed by PLK.
2. The National Register of Infrastructure (RINF) managed by the President of UTK in an electronic form is available to registered users on the website https://rinf.utk.gov.pl.
3. The characteristic data of the railway infrastructure, that are presented in the Network Statement annexes and released to RINF, that referred to in section 2, originates from a single source named the Network Description Management (POS).

## 2.2. Extent of Network

### 2.2.1. Limits

1. The PLK-managed railway infrastructure is confined to the territory of the Republic of Poland.
2. The routes of the PLK-managed railway infrastructure, including the border points with the adjacent foreign IMs, are shown on the map in **Annex 2.19**.

### 2.2.2. Connecting Railway Networks

The list of contact points between the PLK-managed railway infrastructure and railway infrastructures of domestic and foreign IMs is shown in **Annex 2.10**.

## 2.3. Network Description

1. The general characteristics of the railway lines managed by PLK are specified in Instruction „List of Railway Lines Id-12 (D-29)", available on www.plk-sa.pl , website 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.]
2. The information about railway lines and other rail roads managed by PLK, including the listing of defunct and private infrastructure, is featured in the "Railway Network Bylaw" available on www.plk-sa.pl, website tab: *Dla klientów i kontrahentów / Statut Sieci Kolejowej [For customers and partners / Railway Network Bylaw].*
3. The list of technical parameters of designated international freight transit routes is shown in **Annex 2.5**.
4. The railway lines with trackside train protection systems are listed in **Annex 2.13**.

5. The assignment of railway lines to PLK Regional Departments and construction areas is shown in **Annex 2.14** and **Annex 2.15**, respectively.
6. The technical and operational conditions of the PLK-managed railway lines are specified in in Addendum 1 to the WRJ. The WRJ Addendum 1 is prepared and published periodically. The current WRJ Addendum 1 in an electronic version (a PDF file) is available in ISZTP or via the OCTOPUS passive part.

### 2.3.1. Track Typologies

The PLK-managed railway network includes of single-track and double-track railway lines, both electrified and non-electrified.

| **Overview of the PLK-managed railway infrastructure in operation** (As on 31 December 2019) | **Track gauge 1435 mm** | **Track gauge 1520 mm** | **TOTAL** |
|---|---|---|---|
| Railway line length (total): | 18,538.600 km | 141.290 km | 18,679.890 km |
| – Of which single-track lines: | 9,990.200 km | 141.290 km | 10,131.490 km |
| – Of which double-track lines: | 8,689.690 km | 0 km | 8,689.690 km |
| Railway track length: | 35,688.762 km | 262.049 km | 35,950.811 km |
| – Of which 27,120 km are open-line tracks and mainline tracks within railway stations: | 27,103.010 km | 141.290 km | 27,244.300 km |
| – Of which train station tracks: | 8,585.752 km | 120.759 km | 8,706.511 km |
| Length of electrified railway lines: | 11,909.040 km | 14.329 km | 11,923.369 km |

### 2.3.2. Track Gauges

1. PLK manages railway lines with the following track gauges: 1435 mm (normal gauge standard) and 1520 mm (broad gauge standard).
2. Data on the characteristics of the railway infrastructure with a track gauge of 1435 mm are included in **Annexes** from **2.1 (P)** to **2.18**, while for infrastructure with a track gauge of 1520 mm are included in **Annexes**: **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**.

### 2.3.3. Stations and Nodes

1. The list of operating control points on specific railway lines, including railway stations and passenger stops with stops on request are included in **Annex 2.6**.
2. The list of platforms at the PLK-managed railway lines and their characteristics is shown in **Annex 2.18**.
3. The procedure for qualifying a passenger stop as a request stop is included in **Annex 17**.

### 2.3.4. Loading Gauge

The list of restrictions imposed by violation of loading gauge and identification of indication of the type of obstacles per route sections is shown in **Annex 2.11**.

### 2.3.5. Weight Limits

1. The list of maximum axle load with a breakdown into locomotives and rail cars is shown in **Annex 2.2**.
2. The list of maximum linear loads (per 1 running metre of track) is shown in **Annex 2.3**.
3. The railway line section classes are listed in **Annex 2.4**.

### 2.3.6. Line Gradients

The list of reliable gradients expressed in per mils (‰) and required for braking mass calculations of the trains operated on PLK-managed railway line sections is specified in the WRJ Addendum 1, Table 3, available to registered users from ISZTP or via the OCTOPUS passive part.

### 2.3.7. Maximum Line Speed

1. The maximum line speed limits applicable on individual PLK railway line sections are listed in **Annexes 2.1 (P)**, **2.1 (A)**, and **2.1 (T)**, which concern the train categories and rail vehicle types in use:
   1) 2.1(P) – List of maximum line speed limits for passenger trains marshalled of wagon formations and for light running locomotives;
   2) 2.1(A) – List of maximum line speed limits for passenger trains marshalled of EMUs and rail bus units;
   3) 2.1(T) – List of maximum line speed limits for freight trains.
2. For TC and TD category trains (freight trains for carriage of intermodal transport units and for empty / loaded intermodal transport units), the maximum line speed limits defined for passenger trains marshalled of wagon formations apply as listed in **Annex 2.1 (P)**, whereas the maximum line speed is reduced to 120 km/h, unless the train path allocation application referred to subchapter 4.2 specifies an intermodal load type and the train is provided with a fast-action brake system.

### 2.3.8. Maximum Train Lengths

1. The list of maximum train length limits for freight trains with operational locomotives is shown in the WRJ Addendum 1, Table 2, available to registered users from ISZTP or via the OCTOPUS passive part.

   The list of maximum train length limits for freight trains with operational locomotives is provided on request to RUs, international RU clusters of business

interests, and other commercial entities (including foreign ones) interested with provision of rail capacities.

2. The service length values of platform edges for passenger trains are listed in **Annex 2.18**.

### 2.3.9. Power Supply

1. For operation of rail vehicles on its electrified railway lines, PLK provides a contact system power supply rated at 3 kV DC.
2. PKP Energetyka S.A. Is the operator of the electrical power distribution network connected to the 3 kV DC contact system.
3. RUs which collect electrical power for traction vehicle propulsion are required to conclude contracts for electrical power purchase and electrical power distribution services, or umbrella contracts for electrical power distribution and purchase with the competent power utilities.
4. Each RU who does not hold a concluded agreement referred to in section 3, may render electrified operation of the RU on the railway infrastructure infeasible.
5. Detailed regulations for the operation on the railway infrastructure with overhead contact systems are stated in the Allocation or Usage Agreements.
6. The contact system parameters are specified in **Annex 2.12**.

### 2.3.10. Signalling Systems

All topics related to the signalling systems and the list of signals operated in the PLK-managed railway network are regulated in Signalling Instruction Ie-1, listed in **Annex 3.1**.

### 2.3.11. Traffic Control Systems

1. The PLK-managed railway network features three general functional groups of traffic control equipment:
   1) Station equipment;
   2) Open line signalling equipment which control traffic on train lines;
   3) Traffic safety equipment at railway crossings.
2. The line traffic control is managed as follows:
   1) By signalling traffic via telephone communication equipment, and in the event of telephone communication interruption, via radiotelephone communication equipment;
   2) With manual block system equipment;
   3) With automatic block system equipment;
   4) With remote traffic control equipment;

5) By radiotelephone communication between line section traffic operators and drivers of motive units, without mediation of remote traffic control equipment and passing track manning;
6) Without train signalling a single traction vehicle serves all trains;
7) With ERTMS/ETCS Level 1 and 2.

## 2.3.12. Communication Systems

1. Communication in the PLK-managed railway network is based on a VHF analogue train communication system which is simplex, bidirectional, with selective calls; however, the provisions of subchapter 3.4.1 section 22 apply.
2. The detailed requirements and information concerning the railway communication systems are specified in subchapter 3.4.1.

## 2.3.13. Train Control Systems

1. On selected railway lines managed by PLK, ETCS (European Train Control System) is in operation. ETCS enables train control by locomotive drivers and is a component of ERTMS (European Rail Traffic Management System). ETCS ensures safe control of train traffic up to line speeds above 160 km/h and complies with the European Railway Interoperability requirements.
2. The primary functions carried out by ERTMS/ETCS include:
   1) Definition of precise MAs (Movement Authorities), which include:
      a) The maximum driving distance defined by the MA limit;
      b) Specification of the driving way, which includes a static line speed profile, a track gradient, locations to avoid stopping of the train, and other information;
      c) Line speed limit warnings;
   2) Continuous monitoring of run parameters for the trains with onboard ERTMS/ETCS equipment; the monitored parameters include:
      a) The permissible (maximum) driving speed imposed by the train technical parameters and the MA transmitted by the ERTMS/ETCS trackside equipment units;
      b) EoA (End of Authorization)
      c) Operating mode for the ERTMS/ETCS onboard equipment;
   3) Monitoring of the actions and reactions taken or neglected by the locomotive drivers in response to the commands and information transmitted via ERTMS/ETCS.
3. ERTMS/ETCS makes the locomotive driver responsible for correct train control based on the data relayed to the driver by the onboard equipment and the applicable national regulations. The detailed information required for locomotive drivers to discharge their professional duties while driving trains under guidance of ERTMS/ETCS is specified in the regulations from respective RUs.

4. The trains operating on ERTMS/ETCS railway lines are not absolutely required to feature ERTMS/ETCS onboard devices. If a train does not feature ERTMS/ETCS onboard equipment, it shall be operated as on a non-ERTMS/ETCS railway line, with the control of trackside signals and signs.
5. The list of ETCS equipped railway lines is shown in **Annex 2.16**.

## 2.4. Traffic Restrictions

1. The entities operating on the PLK-managed railway lines are bound by the WRJ Addendum 1, which specifies the technical and operating conditions of the railway lines and the WRJ Addendum 2, which specifies the list of fixed warnings and service speed limits on the node station mainline tracks.
2. The WRJ Addendum 1 is prepared and published periodically, at times coincidental with the effective or updating dates of new RRJ.
3. The WRJ Addendum 1 is prepared and published periodically, whereas each of its new version is coincidental with the effective date of RRJ.
4. The current WRJ Addenda in an electronic version (PDF files) are available in ISZTP or via the OCTOPUS passive part.
5. PLK notifies (in a regulated way) each driver is conducting a motive unit about each unplanned change of conditions imposed by urgent demand for the operating restrictions which may apply to:
   1) The technical and operating parameters of the railway line the driver is operating the rail vehicle on, including the restrictions caused by engineering work, imposed speed limits, and other operating restrictions;
   2) The performance of traffic control and communication equipment and the rolling stock monitoring and diagnostic equipment.

### 2.4.1. Specialized Infrastructure

PLK does not classify any ‘specialized infrastructure’ as construed under Article 49 of Directive 2012/34/EU or any railway line sections with priority carriage types, as discussed in Article 29b of the Act.

### 2.4.2. Environmental Restrictions

1. Passenger RUs who operate on these railway lines:
   1) Railway Line 1, Warszawa Zachodnia – Katowice, line section from Skierniewice to Koluszki;
   2) Railway Line 17, Łódź Fabryczna – Koluszki;
   3) Railway Line 440, Warszawa Służewiec – Warszawa Lotnisko Chopina;
   4) Railway Line 458, Łódź Fabryczna – Łódź Widzew;

   are required to marshal the trains from passenger wagons provided with closed-circuit toilets or without any toilets.

2. The passenger RUs are required to have the train conductor teams lock out access to open-circuit toilets for the duration of the following:
   1) The train run over:
      a) Railway Line 2, Warszawa Zachodnia – Terespol, line section from Warszawa Zachodnia to Warszawa Wschodnia (long-distance cross-city line);
      b) Railway Line 448, Warszawa Zachodnia – Warszawa Rembertów, line section from Warszawa Zachodnia to Warszawa Wschodnia (cross-suburban line);
   2) Operate on the railway line between Operating Control Points Wrocław Główny WGB and Wrocław Główny WGA, and Branch Line Operating Control Point Grabiszyn;
   3) Movement of train formations from stabling tracks to platform tracks and stabling at Wrocław Główny Railway Station.
3. Passenger RUs who operate on the PLK-managed railway infrastructure are required to gradually replace their passenger rolling stock units with those which feature closed-circuit foul sewage system toilets.
4. From the 2023/2024 Timetable, the passenger RUs will be required to marshal trains of passenger stock formations provided with closed-circuit foul sewage system toilets only for the whole PLK-managed railway infrastructure.
5. RUs who operate on the PLK-managed railway infrastructure shall be liable for all environmental release within and outside of railway operation sites caused by the RUs' business.
6. Whenever a RU causes environmental pollution or an immediate hazard of environmental damage, the RU shall be charged with the costs of all operations carried out to remove or prevent and remedy the damaging pollution pursuant to applicable environmental protection laws, including the regulations for prevention and remedy of environmental damage.
7. In 14 days from the environmental pollution event it caused, the RU shall disclose to the PLK Regional Department of territorial jurisdiction the methods and milestone dates of all operations intended to remove or prevent and remedy the pollution.
8. If an RU causes environmental pollution the level of which breaches the regulatory environmental quality limits, the RU shall reimburse the costs of restoration of the affected environment to compliance with the regulatory environmental quality limits, including those established in the Polish Act of 27 April 2001 on the Environmental Protection Law and the Polish Act of 20 July 2017 on the Water Law.

### 2.4.3. Dangerous Goods

1. The information about the restrictions on carriage of dangerous goods by rail (including High-Risk Goods), the procedures obligatory to all actors of dangerous goods carriage on PLK-managed railway lines, and prevention of situations hazardous to humans and the environment as caused by the process of dangerous goods carriage is listed in the RID (Règlement concernant le transport international ferroviaire des marchandises dangereuses), and in the "Instruction of Procedure for Rail Carriage of Dangerous Goods Ir-16" listed in **Annex 3.1**.
2. Pursuant to Article 29a(3)(2) of the Act, PLK prohibits entry of railway vehicles which carry dangerous goods into the following railway tunnels:

| Railway line no. | Location | Tunnel specification | Line from km to km |
|---|---|---|---|
| 2 | Warsaw | Long-distance cross-city tunnel | -0.254 to -0.557<br>0.152 to 1.680 |
| 448 | | Cross-suburban tunnel | -0.196 to 0.100<br>0.404 to 1.680 |
| 440 | Warsaw | Lotnisko Chopina | 0.460 to 1.620 |
| 17 | Łódź | Łódź Fabryczna | -0.142 to 2.250 |
| 458 | | | -0.139 to 2.250 |

### 2.4.4. Tunnel Restrictions

The applied fire protection solutions and the assurance of sufficient air quality within the passenger rail station limits, restrictions apply to the regular traffic of internal-combustion engine propelled trains in the following railway tunnels:

| Railway line no. | Location | Tunnel specification | Line from km to km |
|---|---|---|---|
| 2 | Warsaw | Long-distance cross-city tunnel | -0.254 to -0.557<br>0.152 to 1.680 |
| 448 | | Cross-suburban tunnel | -0.196 to 0.100<br>0.404 to 1.680 |
| 440 | Warsaw | Lotnisko Chopina | 0.460 to 1.620 |
| 17 | Łódź | Łódź Fabryczna | -0.142 to 2.250 |
| 458 | | | -0.139 to 2.250 |

### 2.4.5. Bridge Restrictions

The technical parameter restrictions applicable to the railway lines which include those over bridges are listed in **Annexes 2.1 (A), 2.1 (P), 2.1 (T), 2.2, 2.3, 2.4,** and **2.5**.

## 2.5. Availability of the Infrastructure

1. The list of railway lines made accessible by PLK is specified in **Annex 1**.
2. Operating restrictions for the railway lines can result from:
   1) Planned track closures for the duration of new construction, upgrading, repairs, and running maintenance;
   2) Unscheduled track closures as a consequence of damage to the railway infrastructure;
   3) Non-long-term-planned track closures imposed by execution of other new construction or retrofit projects;
   4) Temporary restrictions in operation of railway line fragments or operating control points, as specified in **Annex 2.7**.
   5) Maintenance shutdowns;
   6) Rolling stock damage;
   7) Emergencies and crises;
   8) Traffic safety hazards or passenger and freight carriage safety;
   9) The requirements of national security and defence;
   10) A decision ordered by the President of UTK or other state authorities of jurisdiction.
3. The railway lines to which planned track closures apply as discussed in section 2 point 1 are included in the RRJ developed by PLK with consideration of the actually achievable capacity.

   The list of railway lines with unavailable or restricted capacity is shown in **Annex 5.3**.
4. Further information about the operating restrictions is specified in subchapters 2.4. to 2.4.5.

## 2.6. Infrastructure Development

The list of projects for upgrading and regeneration of the PLK-managed railway infrastructure, the objectives, material applicability, funding sources, and a general schedule of performance of the project tasks are listed on:

http://www.plk-inwestycje.pl

# 3. ACCESS CONDITIONS

## 3.1. Introduction

1. Chapter 3 of this Network Statement describes the terms and conditions related to access to the PLK-managed 1435 mm gauge railway infrastructure.
   The conditions also apply to the fragments of RFCs which cross the PLK-managed railway infrastructure.
2. For the 1520 mm gauge rail tracks, separate regulations apply as indicated in "Access Conditions for 1520 mm Gauge Railway Infrastructure Under Management of PKP Polskie Linie Kolejowe S.A.", available on www.plk-sa.pl, website 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 / Access Conditions for 1520 mm Gauge Railway Infrastructure].*

## 3.2. General Access Requirements

The access requirements are developed from the regulations of the Act and the Regulation.

### 3.2.1. Conditions for Applying for Capacity

1. The applicant becomes eligible to apply for capacity once it concludes an Allocation Agreement. The detailed information concerning the conclusion of Allocation Agreements is listed in subchapters 3.3.2. and 3.3.3.
2. The procedure for applying for capacity and capacity application processing is regulated as established in Chapter 4.
3. The capacity allocated to one applicant shall not be transferred to any other applicant.
4. The capacity allocated to one applicant shall not be used for any carriage unspecified in the relevant capacity allocation application.
5. An applicant who is not an RU can identify various RUs eligible for usage of the capacity assigned to the applicant against each application made per each identified RU. In each capacity allocation application, only a single RU shall be identified.
6. An applicant who is an RU cannot indicate another RU to use the allocated capacity.
7. The conditions for RFC-related application submissions are established in Chapter 4.

### 3.2.2. Conditions for Access to the Railway Infrastructure

1. A precondition for operation of a RU on the PLK-managed railway infrastructure is the conclusion of a Usage Agreement between PLK and the RU.
2. Prior to the Usage Agreement conclusion, the RU shall provide the following documents to PLK in Polish or a certified sworn translation of the original documents into Polish:
   1) A certified true copy of the Licence identified in Article 43 of the Act;
   2) A certified true copy of the Safety Certificate or Single Safety Certificate identified in Article 18b of the Act;
   3) A declaration of carriage performance with the rolling stock compliant to the requirements established in the Polish Regulation of the Minister of Infrastructure of 12 October 2005 on the general technical conditions for operation of railway vehicles;
   4) A declaration of obligation to notify PLK of every amendment, suspension or revocation of the Licence and the Safety Certificate;

   the submission shall be made at:
   **PKP Polskie Linie Kolejowe S.A. Centrala**
   **Biuro Sprzedaży**
   ul. Targowa 74, 03-734 Warszawa
   e-mail: ius@plk-sa.pl
3. If the RU already provided PLK with the documents listed in section 2 during the term of a previous timetable and the documents remain valid in the term of the 2021/2022 Timetable, the RU may elect to submit to PLK a declaration of validity of the documents listed in section 2 prior to conclusion of the Usage Agreement. To every amendment to the documents the provisions of section 2 apply.
4. The detailed information concerning the Usage Agreements is shown in subchapter 3.3.2.

### 3.2.3. Licences

The President of UTK is the authority competent for issue, declining issue, amending, suspension, and revocation of the Licence of the commercial entity with the registered office in the Republic of Poland.

**Urząd Transportu Kolejowego**
Al. Jerozolimskie 134, 02-305 Warszawa
utk@utk.gov.pl
www.utk.gov.pl

### 3.2.4. Safety Certificate

1. The entity competent to issue the Single Safety Certificate to the carrier shall be:
   1) the European Union Agency for Railways or the President of UTK – in case when the carrier's planned area of operation includes only the territory of the Republic of Poland and border stations located in neighbouring Member States of the European Union;
   2) the European Union Agency for Railways – in case when the carrier's planned area of operation also includes other Member States of the European Union.
2. The contact details of UTK are listed in subchapter 3.2.3.
3. Contact details of the European Union Agency for Railways:

   **European Union Agency for Railways**
   120 rue Marc Lefrancq
   59307 Valenciennes, France
   http://www.era.europa.eu/

### 3.2.5. Insurance

1. RUs are required to hold valid general liability insurance as specified in Article 46(10) of the Act.
2. The minimum liability limit is established in the Polish Regulation of the Ministry of Development and Finance of 25 May 2017 on railway undertaking insurance.
3. The obligation of insurance shall be mature no later than on one day before the start of the licensed operation.

## 3.3. Contractual Arrangements

1. The detailed relationships between the applicants/RUs and PLK are regulated in the Allocation Agreements, the Usage Agreements, or the Framework Agreements; these agreements regulate the rights and obligations of the parties, and the commercial, formal, and legal aspects of the discharge of mutual contractual obligations.
2. The PLK is liable for the repair and fitness of the rail roads they provide access to under the Usage Agreement concluded with the RU.
3. Failure of any party in any obligation regulated by the Usage Agreement shall form liability for damage to the other party.
4. The liability for damage identified in section 3 shall not apply to:
   1) The costs borne as a result of settlement of other contracts signed by the party without prior agreement with the other party of the Usage Agreement, to the extent applicable to potential claims (especially those for the liquidated damages and compensation suffered by the party);

2) Lost benefits, with the exception of the claims resulting from Usage Agreements concluded with other RUs, if this condition is included in the Usage Agreement with the RU concerned.

5. The liability of PLK for failure in performance or negligent performance of its obligations defined in the Usage Agreement is excluded to the extent in which the RU, a party to the Usage Agreement, fails to ensure any parameters included in the applicable timetable, with the exception of the hazardous events and near-misses construed as defined in Rail Transport Severe Accident, Event and Incident Management Instruction Ir-8, , which emerged due to reasons attributable to PLK.
6. The liability of the parties due to the failure in performance or negligent performance of the obligations regulated by the Usage Contract is excluded in the event of an emergency or a crisis.
7. If by failure in performance or negligent performance of the Usage Agreement by either party a third party is damaged, the Usage Agreement who compensates damage to that third party may pursue its right of recourse in full or as a relevant share of liability of the other party to the Usage Agreement.

### 3.3.1. Framework Agreement

1. Whenever reasonably requested by an applicant, PLK may conclude with the applicant a Framework Agreement identified in Article 31 of the Act, where the Framework Agreement is a contract for the requisition of capacity for a period outside of the RRJ validity period.

   A Framework Agreement does not specify detailed train paths.
2. Procedure for framework capacity booking are established in **Annex 7.1**.
3. The applications for framework capacity booking for the period contemplated in section 1, can be submitted by the deadlines specified in **Annex 7.1**.

   The application submitted past the submission deadline will be examined for the feasibility of allocating the remaining unallocated capacity available for booking.

   The specimen of the application for framework capacity booking is shown in **Annex 7.3**.
4. An applicant is eligible for submission of an application for framework capacity booking on specific railway lines / line sections if:
   1) The applicant has concluded a commercial contract;
   2) The applicant carries out or plans investment in its rolling stock.

   The applicant shall submit at the following address the information required with the application, including an abstract of the contract(s) identifying the contractual parties, the subject of contract(s), the contract validity term(s), and the rationale of the application to justify conclusion of the Framework Agreement:

**PKP Polskie Linie Kolejowe S.A. Centrala**
**Biuro Sprzedaży**
ul. Targowa 74, 03-734 Warszawa
e-mail: ius@plk-sa.pl

5. Biuro Sprzedaży PLK [The PLK Sales Office] will immediately notify the applicant if it has met the conditions for the submission of the documents identified in section 4 and proving the contract performance periods on the railway lines for the framework capacity requested by the applicant, or indicate all formal defects in the submission.
6. PLK examines the applications for framework capacity booking with the following priority rules:
   1) Assurance of optimum usage of the bookable railway line / section capacity;
   2) The capacity requirements for international RFCs, established 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) The priority rules applicable to the allocation of train paths in the development process of the Annual Timetable, discussed in subchapter 4.5.1, and congested infrastructure notifications;
   4) Previous cases of framework capacity underuse and its causes.
7. PLK may decline a framework capacity application or elect, with approval of the applicant, to modify the concluded Framework Agreement if the railway infrastructure cannot be used due to:
   1) Shutdown of a railway line or its part for which the maximum speed of 0 km/h is specified in **Annexes 2.1 (P)**, **2.1 (A)**, and **2.1 (T)**;
   2) Opening of a railway line or railway line part liquidation process specified in Article 38ba of the Act;
   3) Access restrictions imposed on railway lines / sections under the circumstances specified in subchapter 2.5, subchapter 4.3.2, and **Annex 5.3**.
8. The Framework Agreement concluded with an applicant for a period which extends beyond the RRJ validity period and not longer than 5 years can be renewed for another 5 years repeatedly. The draft Framework Agreement initialled by its parties is submitted by PLK for approval to the President of UTK.
9. The Framework Agreement regulates specifically:
   1) The period for which it is concluded;
   2) The rules and deadlines for train path allocation applications;
   3) The approximate capacity parameters booked by PLK for the applicant in the subsequent annual timetables until the validity period of the Framework Agreement expires;

4) The rules for framework capacity modification to enable optimised use of the railway infrastructure;
5) The rules for framework capacity use;
6) The consequences of failure in compliance with the Framework Agreement;
7) The framework capacity booking fee and the deadlines of its payment.

10. The applicant, who has concluded a Framework Agreement with PLK, submits applications for capacity allocation on the terms specified for the valid annual timetable in accordance with the provisions of the Framework Agreement.
11. If approved by the President of UTK to do so PLK can elect not to conclude Framework Agreements for the railway lines which have been reported as congested.
12. The specimen of the Framework Agreement is shown in **Annex 7.2**.

### 3.3.2. Contracts with RUs

1. Each RU shall conclude two agreements with PLK:
   1) The Allocation Agreement, where the RU is the applicant;
   2) The Usage Agreement, where the RU acts as an RU.
2. The conclusion of the Allocation Agreement enables the RU applicant to apply for capacity allocation for train paths, stabling of railway vehicles, and shunting, and to apply for timetable studies.
3. To conclude an Allocation Agreement for the 2021/2022 Timetable, the RU applicant who did not conclude any Allocation Agreement with PLK for the previous timetable shall file a written application for the Allocation Agreement. The application specimen shall be used which is shown in **Annex 6.1, Section A**.

   In the application, the following shall be specifically identified:
   1) Name, registered office, and address of operations;
   2) Unique identification data, like a tax identification number, a REGON number, or a KRS (incorporation by court) number;
   3) Nature of the applicant: RU applicant;
   4) Type of rail carriage the applicant will request capacity allocation for: passenger carriage, freight carriage, or passenger and freight carriage;
   5) The timetable type (annual or ad-hoc) under which the applicant will request capacity allocation.
4. For applicants who intend to apply for capacity allocation for rail passenger carriage other than occasional service, the applicant shall specify in the Allocation Agreement the planned range of booked capacity consistent with the applicant's public service contract, presented a declaration of a public rail transport organizer's intent to include its trains in a public service contract, or secured an administrative decision to grant open or restricted access.

5. The conclusion of the Usage Agreement allows the RU to use the allocated capacity for train paths, railway vehicle stabling, shunting, or the use of service infrastructure facilities referred to in Chapter 7.
6. To conclude a Usage Agreement for the 2021/2022 Timetable, the RU applicant who did not conclude any Usage Agreement with PLK for the previous timetable shall file a written application for the Usage Agreement. The application specimen shall be used which is shown in **Annex 6.1, Section B**.

   Together with the application, the applicant shall file the documents listed in subchapter 3.2.2 section 2 in Polish or a certified sworn translation of the original documents into Polish.
7. The applications contemplated in sections 3 and 6 shall be submitted at the following address:

   **PKP Polskie Linie Kolejowe S.A. Centrala**
   **Biuro Sprzedaży**
   ul. Targowa 74, 03-734 Warszawa
   e-mail: aplikant@plk-sa.pl, ius@plk-sa.pl
8. The concluded Allocation or Usage Agreement do not require approval from the President of UTK.

### 3.3.3. Contracts with non-RU Applicants

1. A non-RU applicant concludes an Allocation Agreement with PLK.
2. The conclusion of the Allocation Agreement enables the non-RU applicant to apply for capacity allocation for train paths, stabling of railway vehicles, and shunting, and to apply for timetable studies.
3. To conclude an Allocation Agreement for the 2021/2022 Timetable, the non-RU applicant who did not conclude any Allocation Agreement with PLK for the previous timetable shall file a written application for the Allocation Agreement. The application specimen shall be used which is shown in **Annex 6.1, Section A**. The application shall be submitted at the following address:

   **PKP Polskie Linie Kolejowe S.A. Centrala**
   **Biuro Sprzedaży**
   ul. Targowa 74, 03-734 Warszawa
   e-mail: aplikant@plk-sa.pl

   In the application, the following shall be specifically identified:

   1) Name, registered office, and address of operations;
   2) Unique identification data, like a tax identification number, a REGON number, or a KRS (incorporation by court) number;
   3) Nature of the applicant: non-RU applicant / public mass transport organizer applicant;
   4) Type of rail carriage the applicant will request capacity allocation for: passenger carriage, freight carriage, or passenger and freight carriage;

5) The timetable type (annual or ad-hoc) under which the applicant will request capacity allocation.

4. The Allocation Agreement concluded with a non-RU applicant regulates e.g. the method and deadline for submission to PLK of the information about the RU identified to use the capacity allocated to the non-RU applicant.
5. If the Allocation Agreement is concluded with a non-RU applicant, the provisions of subchapter 3.3.2 section 4 apply accordingly.
6. The concluded Agreement does not require approval from the President of UTK.

## 3.4. Specific Access Requirements

### 3.4.1. Rolling Stock Acceptance

**Legal requirements**

1. The rail vehicles of RUs shall conform to the requirements established in the Polish Regulation of the Minister of Infrastructure of 12 October 2005 on the general technical conditions for operation of railway vehicles;
2. The rail vehicles of RU shall be marked in compliance with the Polish Regulation of the Minister of Transport, Construction and Maritime Economy of 3 January 2013 on the rail vehicle register management and rail vehicle identification markings, especially its provisions for correct passenger train destination display boards.
3. The rail carriage of waste shall be in compliance with the Polish Regulation of the Minister of the Environment of 7 October 2016 on specific requirements for waste transport.

**Rolling stock**

4. Electric rolling stock shall be equipped with pantographs which feature PN-EN 50367 profile B.2 or B.7 collector shoes.

   The working part length of the collector shoe is:

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

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

   The minimum width of the contact shoe for each profile shall be 60 mm.

   The contact shoe thickness shall be the minimum specified in the operating and maintenance manual of the pantograph type.

   The list of materials qualified for application in pantograph contact shoes of traction vehicles in electrical contact with the contact system of PLK Polskie Linie Kolejowe S.A. is shown in **Annex 12**.

   The electric traction vehicles the pantographs of which are equipped with ADD (Automatic Drop Device) shall have the ADD enabled during train runs.

5. The maximum differential loads of wagon trucks, axles, and axle wheels of a rail vehicle shall not exceed the limits specified in § 6 of the Exceptional Consignment Carriage Instruction Ir-10 (R-57), referred to in **Annex 3.1**.
6. Rolling stock wheelsets must ensure electrical bonding of isolated rail sections, where the wheelset resistance shall be 50 mΩ maximum.
7. Freight wagons with the monoblock wheel flange (rim) which is not 135 ± 2 mm shall feature markings compliant with the specifications in the Shunting Instruction Ir-9, referred to in **Annex 3.1** and reading that the wagon cannot pass clasp retarders which are engaged.

   All other restrictions on approval for wagon marshalling not listed in current regulations and railway traffic instructions while imposed by the specific nature of features provided with automatic marshalling equipment, including the restrictions imposed by design of retarders, are listed in technical regulations of operating control points and in the Access Regulations for Service Infrastructure Facilities Managed by PKP Polskie Linie Kolejowe S.A., Annex 3 SIF Shunting Yards – Detailed Technical Data, available on www.plk-sa.pl, website 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. RUs are required to provide trains which feature couplers other than screw (buffer and chain) couplers with facilities to enable connection of those couplers with screw couplers for e.g. towing of failed rail vehicles off an open track.
9. The environmental restrictions on operation of railway stocks provided with close-circuit foul water toilets along specific line sections are shown in subchapter 2.4.2.
10. Each RU shall use wagons compatible with the type of goods carried by rail. Each RU shall provide and be liable for effective security of all goods the RU accepts for carriage by rail, especially by securing the goods against shifting, release of emissions (of e.g. particulate matter, spills, otherwise release of matter, etc.) and release of energy.
11. For the carriage of loads particularly exposed to theft, it is recommended that the RU uses additional access protection for wagon box / body doors, window louvres, roof hatches, top fill receptacles, drain valves, and dump flaps / facilities against easy opening by unauthorized personnel.
12. Motive units which run on rail lines with trackside train protection system shall be provided with functioning and compatible onboard features.

    A rail vehicle without a train protection system can run on a rail line if the RU meets the requirements for onboard personnel specified in Train Control Instruction Ir-1 referred to in **Annex 3.1**.
13. In its internal regulations, the RU shall specify the procedures for emergency operation of failed train / rail vehicle brake systems, also by brake actuation with trackside dSAT equipment units and these internal regulations shall be in compliance with the prevailing regulations of law.

14. Rail vehicles provided with PLK radiotelephone communication equipment may enter PLK-managed rail lines only if this equipment is enabled and fully operational, whereas rail vehicles provided with the Radio-Stop system shall have the system operational to be allowed to enter the PLK-managed rail lines.

    The Radio-Stop system equipment must be installed in all motive units which are intended for operation in train formations.

15. The RU rail vehicles and personnel shall be provided with radiotelephone equipment operating in the RF communication system of PLK in compliance with the terms and requirements specified in the Radiotelephone Network Organisation and Operation Manual Ie-14 (E-36) referred to in **Annex 3.2**.

**RF Communication**

16. The RU shall not provide the radiotelephone equipment operated by the RU personnel in the PLK RF communication system to any third parties. The RU shall be liable for the operation and maintenance of the radiotelephone equipment in compliance with the manuals and regulations applied by PLK, specifically the Regulations for RF Communication Network Operation in RF Bands Under Administration of PKP Polskie Linie Kolejowe S.A. by RUs Operating on the Railway Lines Under Management of PKP Polskie Linie Kolejowe S.A., available on www.plk-sa.pl, website tab: *Dla klientów i kontrahentów / Warunki udostępniania infrastruktury i regulaminy / Regulamin wykorzystywania sieci radiołączności w pasmach radiowych administrowanych przez PKP Polskie Linie Kolejowe S.A.* [For customers and partners / Terms of access to infrastructure and regulations / Regulations for RF Communication Network Operation in RF Bands Under Administration of PKP Polskie Linie Kolejowe S.A. by RUs Operating on the Railway Lines Under Management of PKP Polskie Linie Kolejowe S.A.];.

17. Each RU who is to operate on the PLK-managed railway lines for the first time shall pass one-off training in the testing of operation of the radiotelephones and the Radio-Stop system.

    The training is delivered by PLK Regional Departments, on a motive unit suggested by the RU, and under a separate contract or agreement of commission.

    Following the training, the RU shall deliver it to all its personnel who operate motive units.

    The procedure for the testing of operation of the radiotelephones and the Radio-Stop system is specified in the Instruction for Operation of Train RF Communication Equipment Ir-5 (R-12), referred to in **Annex 3.1**.

18. The RU who wishes to provide carriage on the railway lines provided with operational ERTMS ETCS Level 2 with the use of traction vehicles which feature onboard ERTMS ETCS Level 2 equipment shall apply to PLK for data transmission encryption keys.

    The detailed information concerning the application and issue procedures applicable to ERTMS/ETCS Level 2 equipment is available on www.plk-sa.pl, website tab: *Dla klientów i kontrahentów / Warunki udostępniania infrastruktury*

*i regulaminy / Zasady korzystania z ERTMS/ETCS poziom 2 i ERTMS/GSM-R* [For customers and partners / Terms of access to infrastructure and regulations / Principles for Use of ERTMS/ETCS Level 2 and ERTMS/GSM-R].

19. All information concerning the PLK VHF analogue communication network, RF transmission permits, and ERTMS/ETCS is provided by:

    **PKP Polskie Linie Kolejowe S.A. Centrala**
    **Biuro Automatyki i Telekomunikacji**
    ul. Targowa 74, 03-734 Warszawa
    Phone: (00 48) 22 473-20-50, e-mail: iat@plk-sa.pl

20. Each RU who wish to operate carriage by rail with the use of ERTMS/GSM-R RF communication equipment (including ERTMS/ETCS Level 2 equipment) shall apply to PLK for the issue of SIM cards for the GSM-R system.

    The detailed information concerning the application and issue procedures applicable to ERTMS/GSM-R SIM cards is available on www.plk-sa.pl, website tab: *Dla klientów i kontrahentów / Warunki udostępniania infrastruktury i regulaminy / Zasady korzystania z ERTMS/ETCS poziom 2 i ERTMS/GSM-R* [For customers and partners / Terms of access to infrastructure and regulations / Principles for Use of ERTMS/ETCS Level 2 and ERTMS/GSM-R].

21. All information concerning the ERTMS/GSM-R system is provided by:

    **PKP Polskie Linie Kolejowe S.A. Centrala**
    **Biuro Teleinformatyki**
    ul. Targowa 74, 03-734 Warszawa
    Phone: (00 48) 22 473-29-16, e-mail: iin@plk-sa.pl

22. *(repealed)*

**Deviation Discovery Response Procedure**

23. Whenever PLK discovers rolling stock or its installed equipment unit which cause traffic safety hazards, also by disturbance in the operation of traffic control and railway communication equipment and PLK's attempts at intervention into the deviation are ineffective, PLK will notify the President of UTK.
24. Following each ineffective intervention by RU will notify the President of UTK about all concerned cases of defects and deviations of the railway infrastructure which are hazardous to the traffic safety.

## 3.4.2. Staff Acceptance

1. The RU personnel who discharge duties directly related to traffic control and safety and the RU locomotive drivers who operate specific railway vehicle types shall comply with the requirements established in the Act and its applicable secondary regulations.
2. The RU personnel who performs the tasks imposed by the relevant Usage Agreement shall be provided, whenever necessary with the permits issued under

the procedure defined in sections 5 to 13 and valid paper or electronic timetable sheets.

3. The training of RU personnel in the topics of PLK-managed railway infrastructure usage, and specifically:
   1) Railway traffic methods;
   2) Understanding of technical regulation abstracts;

   can be delivered by the competent PLK personnel on request of the RU.
4. The detailed applicability of the topics identified in section 3, the time of the training, the training session hours, and the training fees, are regulated in a separate contract or agreement of commission.

**Permits for RU personnel**

5. PLK, at the request of the RU, issues personal permits for PLK railway operation site access pursuant to the Access Control Regulations for the Railway Operation Sites Under Management of PKP Polskie Linie Kolejowe S.A. Id-21, referred to in **Annex 3.2**. The permits authorize the holders to conduct the activities related to the performance of the relevant Usage Agreement.
6. The permits authorize the holders to access the railway operation sites or parts thereof specifically listed in the permit text and remain valid if shown with the identification credentials of the holders.
7. Each permit identified in section 5 remains valid for the duration specified in the permit text and no more than 2 years from the date of issue.
8. The RU shall apply for the permit with the following PLK organisational units:
   1) The Railway Security Guard (SOK) Central Office, for the permits for access to the whole railway operation area or its parts larger than the jurisdiction of a single SOK Regional Department, with the application submission address:

      **PKP Polskie Linie Kolejowe S.A.**
      **Komenda Główna Straży Ochrony Kolei**
      ul. Chmielna 73A, 00-801 Warszawa
      e-mail: zezwolenia.sok@plk-sa.pl
      tel.: +48 664 488 259, (+48) 22 474 17 15
   2) The SOK Regional Department of proper jurisdiction, for the permits for access to the respective railway operation area part which is no larger than this jurisdiction.

   The list of SOK Regional Departments is shown in **Annex 4.4**.
9. The permit documents are issued against a written application from the RU. The application specimen in shown in Annex 4 to the Access Control Regulations for the Railway Operation Sites Under Management of PKP Polskie Linie Kolejowe S.A. Id-21.
10. A net fee of 10,00 PLN is charged for a single issue of the permit referred to in section 5 or its single duplicate.

11. The permit issuer may decline to issue the requested permit or restrict the authorized access area specified in the permit text if reasonable to do so due to traffic safety, confidential information security, personal data protection, or otherwise.
12. The RU shall return each issued permit to the original permit issuer once the rationale for the permit issue ceases.
13. If a permit is lost, the RU who originally applied for its issue shall notify the permit issuer in writing with a clarification of the circumstances of permit loss.

### 3.4.3. Exceptional Consignments Carriage

1. The train runs with exceptional consignments are carried out by PLK under RRJ / IRJ, as applicable, pursuant to a prior establishment of each exceptional consignment carriage by rail.
2. Before applying for an exceptional consignment carriage capacity, the RU to carry the exceptional consignment shall apply for an exceptional consignment approval with the Centrum Zarządzania Ruchem Kolejowym PLK [PLK Railway Traffic Management Centre] as follows:
   1) For domestic train runs to be performed only on the railway lines under management of PLK or other domestic IMs, the exceptional consignment approval application shall be submitted at least 20 calendar days in prior of the train run or the submission deadline for train path allocation under RRJ or the RRJ update date. The application shall be submitted to the Centrum Zarządzania Ruchem Kolejowym PLK [PLK Railway Traffic Management Centre] regional department of jurisdiction over the train run start and identified in **Annex 4.3**;
   2) For international train runs, the exceptional consignment approval application shall be submitted at least 40 calendar days in prior of the train run or the submission deadline for train path allocation under RRJ or the RRJ update date. The application shall be submitted to:
      **PKP Polskie Linie Kolejowe S.A.**
      **Centrum Zarządzania Ruchem Kolejowym**
      **Przewóz Przesyłek Nadzwyczajnych**
      ul. Targowa 74, 03-734 Warszawa
      e-mail: id.nadzwyczajne@plk-sa.pl
      city 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
      city fax: (00 48) 22 473 35 68; railway fax: (922) 473 35 68
3. These requirements for the timely submission of exceptional consignment carriage approval applications do not apply to exceptional consignments for the needs of state defence and security.

The deadlines specified in section 2 do not apply to the applications concerning failed rolling stock, if approved so in prior with the Centrum Zarządzania Ruchem Kolejowym PLK [PLK Railway Traffic Management Centre].

4. The detailed information to be included in each exceptional consignment carriage approval application contemplated in section 2 is explained in Section II § 11a, 12, 13, and 14 of the Exceptional Consignment Carriage Instruction Ir-10 (R-57), referred to in **Annex 3.1**.
5. In each exceptional consignment carriage approval, PLK establishes the conditions for exceptional consignment carriage on the PLK-managed railway lines pursuant to § 18 of the Exceptional Consignment Carriage Instruction Ir-10 (R-57).

   For international carriage of exceptional consignments under RRJ, the RU shall provide to PLK the exceptional consignment carriage approval issued by the RU or the IM or the railway adjacent to PLK. This shall be done before 26 November 2021.
6. For the track closures in effect on PLK-managed sites and attributable to PLK, PLK updates the affected and issued exceptional consignment carriage approvals at the stage of production of the timetable modifications specified in subchapter 4.8.2 and in coordination with the affected RUs.

### 3.4.4. Dangerous Goods

1. Dangerous goods are materials and objects the carriage of which is prohibited by the RID (Règlement concernant le transport international ferroviaire des marchandises dangereuses) or authorized only under special conditions specified in the RID. The carriage of dangerous goods by rail is each movement of dangerous goods in a rail wagon, including all stops required during the carriage and all operations related to the carriage.
2. High-Risk Goods are a group of dangerous goods which, if used not as intended to (for terrorism, for example) may cause grave consequences, including multiple casualties, mass destruction, or mass socio-economic disturbance.
3. The carriage of dangerous goods by rail is regulated by the RID (Règlement concernant le transport international ferroviaire des marchandises dangereuses), which is Annex C to COTIF (Convention concerning International Carriage by Rail) Poland is a signatory of.

   The obligation to enforce the RID is imposed also by Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods, implemented in the legislation of Poland with the Polish Act of 19 August 2011 on Transport of Dangerous Goods.
4. The regulations concerning the carriage of dangerous goods by rail are established in the Instruction of Procedure for Rail Carriage of Dangerous Goods Ir-16 listed in **Annex 3.1** and the acts of law listed on this website:

   https://www.gov.pl/web/infrastruktura/przewoz-towarow-niebezpiecznych

### 3.4.5. Test Trains

1. Each applicant can notify the Centrum Zarządzania Ruchem Kolejowym PLK [PLK Railway Traffic Management Centre] that it needs to start a test train, which is a train intended for testing of rolling stock or a railway vehicle, or a train for testing of railways and their components.
2. The notice of test train start shall be submitted to this e-mail address: id@plk-sa.pl.
3. Each test run shall be completed under a separate contract or understanding.
4. The individual conditions for a test run – depending on the test run parameters and characteristics – are established in the Interim Traffic Control Regulations for Execution of Works, appropriately adjusted to test runs and with reference to all structural subsystems (i.e. Infrastructure, Energy, and Control).
5. The feasibility assessment of test run operation above the limits of speed or other technical and operating parameters approved by PLK for the railway line and its track sections is not the responsibility of PLK. On a case by case basis, the feasibility requires assessment and decision of the research body which takes part in test run and is competent in assessment of the concerned infrastructure and rail vehicle. The participation of the research body in the test run is at the cost of the applicant.

# 4. CAPACITY ALLOCATION

## 4.1. Introduction

1. Capacity shall be allocated against the applications made by the applicants who have valid Allocation Agreements.
2. The applications mentioned in section 1 may concern a capacity allocation for a train path, shunting, or stabling of a railway vehicle formation, a new capacity allocation, or a modification of allocated capacity.
3. In each train path request, the applicant shall identify the related requests which must be executed to allocate the train path applied for.
4. PLK does not allocate capacity against any of the related applications if one or more of those applications is left without allocated capacity.
5. The applicant cannot submit a capacity allocation request which concerns different types of capacities unrelated to the sequential activities on a railway vehicle formation.
6. In its request, the applicant may identify other applications for allocation of a capacity which directly precedes the capacity requested and concerns the same formation of rail vehicles.
7. PLK will only examine the requests / applications which:
   1) are submitted by the applicants with a valid Allocation Agreement concluded with PLK;
   2) are submitted before the deadline established in the Network Statement;
   3) contain the information identified in § 4(1-4) and § 5(1) of the Regulation.
8. Each request which fails to meet the requirements listed in section 7 point 1 and 2 is immediately returned to the applicant with a rationale for the return.
9. Each request which fails to meet the requirements listed in section 7 point 3 is returned by PLK to the applicant with a request to complement the request contents in 5 business days.
10. Failure to complement the capacity allocation request as required in section 9 justifies denial of its examination.
11. IM uses the communications available in ISZTP or via the OCTOPUS interface passive part to notify about the capacity missing due to unplanned railway infrastructure maintenance work.
12. PLK examines the requests for allocation of the capacity for RRJ listed train paths by evaluating the capacity usage threshold of 70% of the applicant in the previous closed Annual Timetable.
13. If a railway infrastructure section is congested, the train path usage below a threshold of 90% in at least one month of the current timetable, PLK has the right to deny to the applicant the allocation of the train path on that section, unless the train path usage below the threshold was due to non-commercial

reasons not attributable to the applicant. In these circumstances, the applicant shall demonstrate to PLK's satisfaction the circumstances which caused the capacity usage below the threshold.

14. The applications for development of reference train paths shall be filed according to the requirements specified in subchapters 4.1. to 4.2. and between 21 and 31 December 2020. A detailed schedule for the development of reference paths is shown in **Annex 8.1**.

**Catalogue Paths**

15. The PLK Catalogue for domestic traffic can be developed and published on www.plk-sa.pl to users logged into ISZTP.
16. The PLK Catalogue for international traffic can be developed in coordination with other stakeholding IMs to execute an international path request.
17. Access to ISZTP is granted in accordance with the procedure specified in subchapter 4.2.
18. The request for train path allocation from the PLK Catalogue shall be submitted exclusively via ISZTP.
19. The applicant receives via ISZTP confirmation of submission of its request for the train path allocation from the PLK Catalogue.

## 4.2. General Description of the Process

**Reserving Capacity for Train Path**

1. The train path request (henceforth: "Train Path Capacity Allocation Request") shall be submitted in an electronic format, according to the following requirements, and via the ISZTP website at https://skrj.plk-sa.pl or via the OCTOPUS interface active part prepared by PLK.

   The rules for access to the services are described in **Annex 6.2**.
2. Access to the system is granted against the request for access to ISZTP/OCTOPUS the specimen of which is shown in **Annex 6.2**:

   **PKP Polskie Linie Kolejowe S.A.**
   **Centrum Zarządzania Ruchem Kolejowym**
   ul. Targowa 74, 03-734 Warszawa
   e-mail: idoi@plk-sa.pl
   city tel.: (+48) 22 473 23 94 or (+48) 22 473 37 89
   railway tel.: (922) 473 23 94 or (922) 473 37 89
   city fax: (+48) 22 473 23 59; railway fax: (922) 473 23 59
3. Once the applicant is granted access to ISZTP / OCTOPUS, it will receive information concerning the first access session at the e-mail address identified in the request for access.
4. The applicant shall login into the system in 3 months from the date of access grant or the last logon. Otherwise the applicant must request access to ISZTP / OCTOPUS again.

5. The applicant shall be liable for protection of the access password and the data input to ISZTP / OCTOPUS.
6. A prerequisite for acceptance of the Train Path Capacity Allocation Request is to include the information as shown in the specimen in **Annex 6.3**.
7. A non-RU applicant shall identify in its Train Path Capacity Allocation Request the RU authorized to use the capacity allocated to the applicant, whereas subchapter 4.5.1 points 6 to 7 shall apply.
8. For passenger carriage by rail, the applicant shall select the passenger train commercial category and rationale for carriage service as specified in the request / application guidance.
9. The Train Path Capacity Allocation Requests must feature the train type(s) identified according to the classification established in **Annex 6.3**.

   The passenger train stabling time requested by the applicant must be at least as long as established in § 22(11) of the timetable Instruction Ir-11 referred to **Annex 3.2**.
10. An applicant reserving passenger carriage capacity shall have the option of specifying relations between trains in the ISZTP, in terms of:
    1) train connections;
    2) transfers of wagons;
    3) transfers of train sets.

    In the process of updating the RRJ, the applicant may specify the above types of relations between trains within the deadlines for submitting applications (for new train paths) and after submitting the draft RRJ update according to deadlines specified in section 4.8.1, subsection 11.

    As part of the IRJ, the applicant may specify the above types of relations between trains when submitting the application and additionally:
    1) train connections - not later than 21 days before the first day of validity of each ZRJ organisation;
    2) transfers of wagons or train sets - within the deadlines specified in **Annex 5.2**.

    As part of the ZRJ, the applicant may specify:
    1) train connections - not later than 21 days before the first day of validity of each ZRJ organisation;
    2) transfers of wagons or train sets - within the deadlines specified in **Annex 5.2.**

    Train connections shall be established pursuant to the rules established in § 26 of the Ir-11 Instruction.

    Only trains properly identified in the ISZTP shall be treated as connected trains or trains where transfers of wagons or train sets will occur.
11. The effective date of submission of the Train Path Capacity Allocation Request is the date of its submission in ISZTP or the OCTOPUS interface active part.

12. In the event of an ISZTP failure not attributable to the applicant, the Centrum Zarządzania Ruchem Kolejowym PLK [PLK Railway Traffic Management Centre] notifies the applicants about the foreseeable obstructions and the procedure of application without ISZTP.
13. With the access to ISZTP, the applicant can access the database of traction vehicles PLK has the technical characteristics of which.

    The list of registered traction vehicles is shown in **Annex 13**.
14. If a new motive unit is planned for use, the request for its registration with PLK shall be submitted at least 7 calendar days before the planned Train Path Capacity Allocation Request submission. The motive unit registration request shall be submitted according to the specimen shown in **Annex 6.6** and in an electronic format to: id@plk-sa.pl
15. The Train Path Capacity Allocation Requests for the carriage of priority consignments required by the needs of state defence are accepted with an advance period sufficient to plan and release the timetable to the concerned applicant.
16. For applicants with registered offices outside of the Republic of Poland, before submitting a Train Path Capacity Allocation Request for international passenger carriage with the right to provide the passengers with embarkation and disembarkation at the rail stations in the PLK railway network, the applicant shall submit the decision of the President of UTK to grant open access to the concerned international path. The decision shall be served at the address specified in subchapter 3.2.2 point 2.
17. For the railway lines which belong to the Rail Freight Corridors identified in subchapter 1.7.1, the pre-arranged international train paths and reserve capacity are allocated by C-OSS. The principles and procedures of train path allocation by C-OSS are published in CIDs for each RFC. The detailed information is available in English language on the RFC websites: www.rfc5.it, www.rfc8.eu, and www.rfc-amber.eu
18. The Train Path Capacity Allocation Requests under RRJ concerning the following railway lines:

| Line no.: | Railway line name |
|---|---|
| 202 | Gdańsk Główny - Stargard |
| 213 | Reda - Hel |

shall be submitted separately for each of the two run alternative dates:

1) For non-summer seasons which span from 12 December 2021 to 24 June 2022 and from 01 September 2022 to 10 December 2022;
2) For summer seasons which span from 25 June 2022 to 31 August 2022.

**Requesting access to the RU Portal and registration of new passenger train commercial category**

18a. Applicants who wish to book passenger train paths that cross outside PLK's network must enter relevant information using the RU Portal, including information on commercial stops.
In order to obtain access to the RU Portal, applicants must submit a request in accordance with the template constituting **Annex 6.9** to the following address: IESPP@plk-sa.pl at least 60 days before the scheduled start of the train.

18b. An applicant who provides passenger transport services shall be required to register its new passenger train commercial category before filing its path allocation request, specifying the range of services provided on the train.
In order to register a new passenger train commercial category, the applicant shall submit an application in accordance with the template attached as **Annex 6.8** to: IESPP@plk-sa.pl.

18c. After registration of the commercial category as referred to in paragraph 18b, the applicant shall be given the opportunity to change its commercial category of train, which can be done:
1) in ISZTP for paths on the PLK network;
2) in the RU Portal for paths outside PLK's network;
- no later than 40 days prior to the scheduled start of the train.

**Reserving Capacity for Shunting or Stabling**

19. A Shunting/Stabling Capacity Allocation Request shall be filed in an electronic format, according to the following requirements, and via the “Capacity Allocation Request Module for Shunting and Stabling” in ISZTP.

20. Access to the Module identified in section 19 is granted by approving the request the specimen of which is shown in **Annex 6.2** (the Request for Access to the “Zamawiaj i Jedź” Online Train Path Requisition System (ISZTP)). The request shall be submitted to:

**PKP Polskie Linie Kolejowe S.A.**
**Centrum Zarządzania Ruchem Kolejowym**
ul. Targowa 74, 03-734 Warszawa
e-mail: idoi@plk-sa.pl
city 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
city fax: (00 48) 22 473 23 59; railway fax: (922) 473 23 59

21. Once the applicant is granted access to ISZTP, it will receive information concerning the first access session at the e-mail address identified in the request for access.

22. The applicant shall login into the system in 3 months from the date of access grant or the last logon. Otherwise the applicant must request access to ISZTP again.

23. The applicant shall be liable for protection of the access password and the data input to ISZTP and the Capacity Allocation Request Module for Shunting and Stabling.
24. The Shunting/Stabling Capacity Allocation Request is approved if submitted complete with the information identified in **Annex 6.5**, and the following applies accordingly to the capacity type requested:
    1) A Shunting Capacity Allocation Request must have Sections A, B, and C filled out;
    2) A Stabling Capacity Allocation Request must have Sections A, B, and D filled out.
25. It is permitted to submit a single Shunting/Stabling Capacity Allocation Request, according to the options available in the Capacity Allocation Request Module for Shunting and Stabling.
26. The Request identified in section 24 shall be filed in 30 minutes before attempting the requested shunting or stabling operation.
27. In the event of a ISZTP failure or reasonably unforeseeable operating conditions occur, the request for a shunting or stabling operation shall be passed directly by a RU personnel member to a competent traffic operator. The direct request is made by radiotelephone call.
28. PLK may reject the Request if the capacity is unavailable in the location the Request pertains to.
29. A Shunting/Stabling Capacity Allocation Request is not required for a shunting operation to change the leading train vehicle or to stable a train if the operation results from the ordained timetable or the operation is required due to operating disturbances.
30. Shunting/Stabling Capacity Allocation Requests can be made for shunting or stabling within the whole validity period of the timetable.

## 4.3. Reserving Capacity for Temporary Capacity Restrictions

### 4.3.1. General Principles

1. PLK may temporarily restrict capacity as required by maintenance, refurbishment and upgrading of the railway infrastructure.
2. Temporary capacity restrictions may vary in duration and severity of effect on train traffic.
3. According to RNE guidelines, the following classification is applied to the severity of temporary capacity restriction effects on train traffic:

| Severity of traffic capacity restrictions | Capacity restriction duration | Impact on estimated daily traffic volume on the railway line (cancelled / redirected paths) |
|---|---|---|
| Severe | More than 30 consecutive days | More than 50% |

| Severity of traffic capacity restrictions | Capacity restriction duration | Impact on estimated daily traffic volume on the railway line (cancelled / redirected paths) |
|---|---|---|
| High | More than 7 consecutive days | More than 30% |
| Medium | 7 consecutive days or less | More than 50% |
| Low | 7 consecutive days or less | More than 10% |

4. For Severe and High temporary capacity restrictions, the neighbouring IMs coordinate the restrictions more than 24 months before the timetable becomes effective to prevent coincidence of multiple restrictions on the same travelways.
5. If the planned capacity restrictions will affect other IM railway networks, a second round of coordination is run between the stakeholding IMs. The coordination shall end no later than:
   1) 18 months for Severe temporary capacity restrictions,
   2) 13 months and 15 days for High and Medium temporary capacity restrictions, respectively.
6. The procedures of planning and granting track closures, the entities responsible for planning repair schedules, and the times and procedure of the consultations of temporary capacity restrictions discussed in Annex VII to Directive 2012/34/EU are established in the Regulations for Organisation and Granting of Track Closures Ir-19 referred to in **Annex 3.2**.
7. Track closure planning can be:
   1) long-term;
   2) regular.
8. **Long-term track closure planning** discussed in 7(1) and (8) of Annex VII to Directive 2012/34/EU applies to the Annual Timetable which will be construed. The long-term planning applies to the following track closures:
   1) Track closures which last more than 7 consecutive days and cancel 30% of the estimated traffic of the railway line;

   or
   2) Track closures which interrupt train traffic.
9. If the planned track closure included in the Annual Timetable will not be executed, the capacity is released.
10. Depending on the date on which a planned track closure is qualified for cancellation, PLK will notify the applicants about the cancellation either by publishing a correction to **Annex 5.1** or by updating **Annex 5.3**.
11. The capacity released by cancelled track closures is allocated according to the general principles.
12. **Regular track closure planning** is the basis for preparing the amended traffic organisation (ZRJ), granting and implementing track closures included and not included in the network schedule of track closures.

    The schedule of timetable modifications is listed in **Annex 5.2**.

## 4.3.2. Deadlines and Information Provided to Applicants

### Long-term planning

1. The information concerning the planned long-term track closures, including draft network schedules of track closures and the results of track closure consultations discussed in Annex VII to Directive 2012/34/UE is available on www.plk-sa.pl, website tab: *Dla klientów i kontrahentów* **/** *Warunki udostępniania infrastruktury i regulaminy / Harmonogram zamknięć torowych [For customers and partners / Terms of access to infrastructure and regulations / Schedule of track closures].*
2. The draft Network Schedule of Track Closures and the draft for its first revision shall be consulted with the applicants concerned and the main operators of service facilities, who submit their comments to the timing and locations of the proposed track closures in 14 days after the publication of the drafts.
3. The approved Network Schedule of Track Closures shall be published on the PLK website referred to in section 1 no later than 24 months before the effective date of the Annual Timetable the Schedule applies to, whereas:
   1) its first revision shall be published no later than 12 months before the effective date of the Annual Timetable the Schedule applies to;
   2) its second revision shall be published before the effective date of the Annual Timetable and applies to the period running from the implementation of the Annual Timetable update, as discussed in section 4.8.1 point 11.
4. The first and second revisions of the Network Schedule of Track Closures Planned for Execution in the 2021/2022 timetable are shown in **Annex 5.1**.
5. Detailed information concerning the Network Schedule of Track Closures and the consultations discussed in section 2 is provided by:
   **PKP Polskie Linie Kolejowe S.A. Centrala**
   **Biuro Eksploatacji i Obsługi Pasażerskiej**
   ul. Targowa 74, 03-734 Warszawa
   e-mail: ies@plk-sa.pl
6. PLK releases the following data during the consultation of the planned temporary capacity restrictions with the applicants:
   1) The planned start and end date;
   2) The line section affected by capacity restriction;
   3) Whenever necessary, the capacity of the diversionary line.

### Regular Track Closure Planning

7. The information about the planned regular capacity restrictions is relayed to the interested applicants at the stage of draft ZRJ development and published additionally in ISZTP.
8. Detailed information about the procedure of traffic management modifications required by regularly planned track closures is provided in subchapter 4.8.2.

**Unscheduled Track Closures**

9. The notices of unscheduled track closures, including those imposed by damage of the railway infrastructure and discussed in subchapter 2.5 section 2 point 2 are published in communications available in ISZTP.

## 4.4. Impacts of Framework Agreements

1. PLK carries out periodic consultations with the applicant twice a year – in April and October – to revise the Framework Agreement and justify its continuation.

   If the actual usage is found to be below 70% of the volume of trains on specific railway lines during 3 consecutive calendar months (January to March or July to September), for which train paths were allocated under the Annual Timetable according to the allocated framework capacity, PLK will reduce the framework capacity for those railway lines in the future Annual Timetables by the percentage of non-use.

   If the applicant clarifies the reasons for the lower usage of the number of train paths, PLK and the applicant will jointly determine the size of the framework capacity reduction for the concerned railway lines/sections.
2. The applicant shall notify PLK about each intent to not to use the framework capacity without undue delay.
3. PLK publishes the framework capacity statement no later than 3 months after the conclusion of the Framework Agreement, its amendment or termination, with compliance with commercial confidentiality of PLK's business.

## 4.5. Path Allocation Process

### 4.5.1. Annual Timetable Path Requests

1. PLK develops the draft RRJ based on the Annual Timetable Path Requests submitted in accordance with the principles specified in subchapter 4.1 and 4.2 section 1 to 18.

   The various stages of the RRJ planning process and the applicable milestone dates are specified in the Development Schedule of the 2021/2022 Annual Timetable shown in **Annex 8.1**.

   The Annual Timetable Path Requests shall be submitted by the following dates:

| Path type | Time | |
|---|---|---|
| | **from** | **to** |
| **INTERNATIONAL, MULTI-NETWORK AND FRAMEWORK AGREEMENT PATHS**<br>Train types (classified in Annex 6.3) | | |
| **Passenger and freight trains**<br>**Non-commercial passenger trains and locomotives** | 29 March 2021 | 12 April 2021 |
| **SINGLE-NETWORK PATHS**<br>Train types (classified in Annex 6.3) | | |
| **passenger** | 6 April 2021 | 16 April 2021 |
| **freight** | 24 May 2021 | 4 June 2021 |
| **Non-commercial passenger trains and locomotives** | 12 July 2021 | 16 July 2021 |
| **IRJ PATHS for the RRJ validity period** | | |
| **Passenger and freight trains**<br>**Non-commercial passenger trains and locomotives** | 6 July 2021 | 13 September 2021 |

2. PLK develops the draft RRJ by considering these items in the listed order:
   1) Restrictions resulting from:
      a) The necessary provision of the capacity to maintain the railway infrastructure;
      b) The feasibility of diverting the pre-arranged international train paths within an RFC;
   2) The priority of priority-eligible traffic on the railway line sections referred to in Article 29b of the Act;
   3) The best possible usage of capacity;
   4) The priority of planning the train routes specified in published transport plans;
   5) The priority of the carriage of passengers;

6) The priority of the planning of the train paths requested by the applicants under the specific train category discussed in section 3, if the applicants met the IM's requirements for the train path usage threshold discussed in subchapter 4.1 section 12 in the previous closed Annual Timetable validity period;
7) The priority of the planning of the train paths to be operated under cyclic timetable as identified in the applicant's request;
8) The priority of the planning of the train paths for which more run days are foreseen;
9) Whenever feasible, all restrictions applicable to the applicants, including the commercial consequences for their business;
10) The international agreements, border understandings, and minutes of international meetings, especially those which apply to the arrangements for international train paths.

3. While examining each of the priorities listed in section 2 to plan RRJ, PLK also considers the following train priority levels:
   1) Express passenger trains (EC, EN, EI) and international passenger trains (MM, RM);
   2) Interregional and regional trains which serve travel to workplaces, i.e. which arrive to a specified station of destination or another station identified by the RU along the train path run from 05³⁰ to 08³⁰ and which serve travel from workplaces, i.e. which depart from the start station or another station identified by the RU along the train path run from 14³⁰ to 17³⁰;
   3) Other interregional and regional trains;
   4) Freight trains;
   5) Empty passenger wagon formations and locomotives.

   When considering each priority level listed in points 1 to 5, PLK additionally considers the priority of train path allocation for the trains which feature onboard ERTMS/ETCS with GSM-R.
4. PLK does not allocate the capacity for railway line sections on which restrictions in train traffic will occur as listed in **Annex 5.3** due to planned upgrading, refurbishment, maintenance, or repairs.
   For the railway lines which feature full-day traffic interruptions that do not apply to the whole timetable and are listed in **Annex 5.3**, requests shall be submitted which include the traffic interruptions and separate requests which state the time of train runs outside of the traffic interruption.
   If PLK examines an Annual Timetable Path Request or a RRJ update is published and PLK finds that the submitted requests include the railway line sections listed in **Annex 5.3** and it is not possible to allocate the requested capacities, the applicant is notified of this with the deadline by which the applicant can submit a new or revised path request that does not include the restrictions listed in **Annex 5.3**.

Failure of the applicant to submit the revised request in 14 days will result in non-allocation of the capacity on the railway line section listed in **Annex 5.3** and the original application receives the status “BUS”.
“BUS” requests shall not be construed as implementation of substitute carriage or its funding as regulated in **Annex 16**.
The status “BUS” is used for the technical considerations of the timetable construction for the railway line sections on which PLK allocates train path capacity and, in coordination with the concerned applicant, to ensure passenger information about the bus carriage implemented solely by the applicant for the railway line sections listed in **Annex 5.3**.

5. If, during the planning of the timetable based on the submitted Annual Timetable Path Requests PLK finds non-compliance in the requests, especially by axle load limits exceeded as discovered in the traction calculations, the concerned applicants are notified with alternative train paths.

   The applicants shall present the required complements and corrections in 5 business days.
6. A non-RU applicant identifies the RU authorized to use the allocated capacity by the time that RU can authorize the Annual Timetable Path Request, and with compliance to the deadlines listed in **Annex 8.1** and no later than on 04 June 2021.
7. If a non-RU applicant submits Annual Timetable Path Request without a known RU whom the applicant commission for the requested train runs, the applicant shall check the “Unknown RU” box in the Request form. The non-RU applicant can identify the RU by the time that RU can authorize the Annual Timetable Path Request, and with compliance to the deadlines listed in **Annex 8.1** and no later than on 04 June 2021.
8. Having allocated the train paths under RRJ or an RRJ update, the non-RU applicant shall use the ISZTP website tab identified in subchapter 4.8.1 section 2 to change the RU identified to use the capacity in the Annual Timetable Path Request.
   In its RU change request, the non-RU applicant indicates the date on which the allocated capacity will be transferred to the new RU for further usage; when doing so, the non-RU applicant cancels the train route authorization made by the RU originally identified to use the allocated capacity.
9. The new RU shall authorize the acceptance of the train path for usage. The authorization shall be given at least:
   1) 40 days before the planned start of the train, which applies to the passenger carriage the timetable of which will be made public;
   2) 7 days before the planned start of the train, which applies to the passenger carriage in occasional service, the timetable of which will not be made public;

3) 24 hours before the planned start of the train, which applies to the paths of freight trains, non-commercial passenger trains, and light-running locomotives.

10. PLK develops the draft RRJ and releases its part relevant to the applicant for approval, for which the deadlines established in **Annex 8.1** apply.
11. Within 1 month from being served the draft RRJ identified in section 10 can accept it or raise reservations or suggest changes to the draft RRJ part relevant to the applicant and not conforming to the requirements stated in the Annual Timetable Path Requests submitted by the applicant. The reservations to the draft RRJ shall be served in a table the specimen of which is shown in **Annex 8.2**. The table shall be served editable (in an MS Excel spreadsheet) to this e-mail address:

    id@plk-sa.pl

    If the applicant takes no position towards the draft RRJ by the deadline identified above, PLK deems the draft RRJ to have been accepted without reservations.
12. PLK will consider the reservations and suggested changes applicable to the draft RRJ.

    If PLK cannot apply the reservations or suggested changes discussed in section 11, the applicant will be notified in 14 business days from the date on which it served the draft RRJ reservations or suggested changes to PLK.

    The applicant may withdraw the Annual Timetable Path Request which the draft RRJ does not conform to in 5 business days. PLK will treat all non-withdrawn Annual Timetable Path Requests as accepted.

    If PLK applies the reservations or suggested changes discussed in section 11, it will agree on the draft RRJ with the applicant in 14 business days from the date of serving the reservations or suggested changes.
13. PLK develops RRJ from the approved draft RRJs.

    PLK will notify the applicant of the allocated train paths by 13 September 2021. The Notice of Allocated Paths is issued against the applicant's acceptance of the paths by way of their authorization in ISZTP by 03 September 2021.

    The train paths left without the applicant's authorization will not be listed in the Notice of Allocated Paths.
14. PLK allows the interested applicants and RUs to download the finished RRJ in an electronic format from ISZTP and www.plk-sa.pl after 14 September 2021.

    PLK authorizes the applicants and RUs to use the documents provided in electronic formats.
15. PLK authorizes real-time access of the applicants to the RRJ in development. This is done via ISZTP.
16. The contacts from which information concerning the fulfilment of Annual Timetable Path Requests follow:

    1) For domestic passenger traffic:
       e-mail: wnioski.pas@plk-sa.pl

city tel.: (00 48) 22 473 20 17; railway tel.: (922) 473 20 17
city fax: (00 48) 22 473 23 59

2) For international passenger traffic:
e-mail: miedzynarodowe.pas@plk-sa.pl
city tel.: (00 48) 22 473 28 76; railway tel.: (922) 473 28 76
city fax: (00 48) 22 473 23 59

3) For freight traffic:
e-mail: wnioski.tow@plk-sa.pl
city tel.: (00 48) 22 473 32 08; railway tel.: (922) 473 32 08
city fax: (00 48) 22 473 23 59

### 4.5.2. Late Annual Timetable Path Requests

PLK does not allow late Annual Timetable Path Requests, i.e. the Requests submitted past the Annual Timetable Path Request submission deadline established in **Annex 8.1**.

### 4.5.3. Ad-Hoc Path Requests

1. The Ad-Hoc Path Requests applicable to IRJ can be submitted via ISZTP from 6 July 2021, pursuant to the procedure listed in subchapter 4.1 and 4.2 section 1 to 18, as follows:
   1) for domestic train paths, the submission deadline is:
      a) 40 calendar days before the scheduled departure date of passenger trains whose timetable is to be made public;
      b) 7 calendar days before the scheduled departure date of occasional service passenger trains, the timetable of which will not be made public;
      c) 5 business days before the scheduled departure of freight trains, non-commercial passenger trains, and light-running locomotives;
   2) for the international train paths which must be coordinated with foreign IMs, the applicant shall use ISZTP or the OCTOPUS interface active part to make the submission to the Centrum Zarządzania Ruchem Kolejowym PLK [PLK Railway Traffic Management Centre] regional department of jurisdiction over the border rail station, under supervision of the OSS unit, and the submission deadline is:
      a) 40 calendar days before the scheduled departure date of passenger trains whose timetable is to be made public;
      b) for freight trains and non-commercial passenger trains:
         – 7 business days before the scheduled departure date of the train run which enters the railway network of an adjacent foreign RNE-affiliated IM, +2 business days for each RNE-affiliated IM;
         – 20 business days before the scheduled departure date of the train run which enters the railway network of an adjacent foreign non-RNE-

affiliated IM, or 25 business days prior to the scheduled departure date of the train run which enters the railway networks of more than one adjacent foreign non-RNE-affiliated IM;

2. A non-RU applicant who requests a train path shall identify the RU who will carry out the train run and that RU shall authorize the request by the deadline established in section 1. If the request is missing the RU authorization, it will not be released for timetabling.
3. As far as reasonably possible, PLK accepts the Ad-Hoc Path Request for a freight train or a non-commercial passenger train to develop IRJ for a single train run past the deadline established in section 1 point 1 letter c and point 2 letter b. The submission date of the Ad-Hoc Path Request must allow PLK to submit to the applicant the developed draft IRJ or to notify the applicant if the Ad-Hoc Path Request submitted cannot be fulfilled, in either case at least 2 hours from the scheduled start of the train or light-running locomotive, whereas the provisions of section 2 shall apply.
4. If an Ad-Hoc Path Request is submitted at least 72 hours prior to the scheduled departure of the train, PLK guarantees a period of 36 hours to respond either by releasing the developed IRJ to the applicant or, as applicable, notifying the applicant if the Ad-Hoc Path Request submitted cannot be fulfilled.
5. PLK does not allocate capacity against an Ad-Hoc Path Request submitted less than 6 hours prior to the planned start of the train (including non-commercial passenger train or 2 hours in prior of the requested run of an light-running locomotive.
6. The Ad-Hoc Path Request submitted within the time limits established in subchapter 4.5.1 section 1 will be processed by PLK, following which PLK releases the complete IRJs to the applicants between 14 September 2021 and 20 September 2021.

   For a non-RU applicant, the Ad-Hoc Path Request shall be authorized by the RU identified therein by 13 September 2021. If the request is missing the RU authorization, it will not be released for timetabling.
7. The Ad-Hoc Path Requests for train runs between 12 June 2022 and 10 December 2022 submitted past 21 January 2022 will be examined by PLK once PLK issues an IRJ change to the applicants (with the planned update to happen on or after 12 June 2022), which will be between 04 March 2022 and 10 March 2022

   For a non-RU applicant, the Ad-Hoc Path Request shall be authorized by the RU identified therein by 03 March 2022. If the request is missing the RU authorization, it will not be released for timetabling.
8. During the development of timetable changes, i.e. between the dates established in **Annex 5.2**, the columns BEGINNING OF CONSTRUCTION and COMPLETION OF CONSTRUCTION feature restrictions in ad-hoc path allocation.

9. When submitting an Ad-Hoc Path Request, the applicant can elect to check the “akceptacja projektu” [“accept draft”] box for the timetable. This will enable the applicant to accept the IRJ or to raise reservations. If the “akceptacja projektu” [“accept draft”] box is left unchecked, the applicant is understood to have accepted the draft IRJ and the IRJ will be ordained in 5 minutes after production of the draft IRJ.
10. Ad-Hoc Path Requests are examined for the remaining capacity by considering these items in the listed order:
    1) The train runs to be carried out under obligation from the transport laws;
    2) Restrictions resulting from:
        a) The necessary provision of the capacity to maintain the railway infrastructure;
        b) The feasibility of diverting the pre-arranged international train paths within an RFC;
    3) The best possible usage of capacity;
    4) The scheduled train run date;
    5) The order of Request submission.
11. Draft IRJ is developed by PLK in 5 business days from the submission of the Ad-Hoc Path Request.
12. The deadline identified in section 11 can be extended:
    1) For the Ad-Hoc Path Request applicable to international and multi-network paths, given the time required to approve the IRJ at the points of contact between the railway lines of different IM’s;
    2) In agreement with the applicant, for the train paths which require detailed approvals (e.g. occasional service trains for mass events);
    3) Whenever necessary to accept changes of secondary train paths requested by other applicants.
13. The draft IRJ is released to the applicant once the final approval of the requested train path is made by notification in the ISZTP application.
14. For the Ad-Hoc Path Requests identified in sections 1 and 12, PLK has 5 business days to notify the applicant if the Request meets the formal requirements and identify the date of production of the draft IRJ.
15. If an IRJ cannot be produced from an Ad-Hoc Path Request, PLK suggests to the applicant substitute solutions which enable the train run (e.g. via a different way, which is as short as possible and with the parameters approximate to the requested ones, or in a different train run time configuration), and proceeds to produce the IRJ with the applicant’s approval.
16. The draft IRJ for which the applicant has chosen the “akceptacja projektu” [“accept draft”] box should be accepted in 6 calendar days. If the Ad-Hoc Path Request is made by the applicant in less than 6 days prior to the scheduled start of the train, the Request is accepted at least 2 hours before the scheduled departure.

If no acceptance is served, PLK rejects the Ad-Hoc Path Request and charges the cost of Ad-Hoc Path Request processing. If the train path is accepted, the applicant will automatically receive the ordained train path.

17. Having allocated the train paths under IRJ, the non-RU applicant shall use the ISZTP website tab identified in subchapter 4.8.1 section 2 to change the RU identified to use the applicant-allocated capacity in the Ad-Hoc Path Request.

    In its RU change request, the non-RU applicant indicates the date on which the allocated capacity will be transferred to the new RU for further usage; when doing so, the non-RU applicant cancels the train route authorization made by the RU originally identified to use the allocated capacity.

18. The new RU shall authorize the acceptance of the Ad-Hoc Path Request for fulfilment. The authorization shall be given at least:
    1) 40 days before the planned start of the train, which applies to the passenger carriage the timetable of which will be made public;
    2) 7 days before the planned start of the train, which applies to the passenger carriage in occasional service, the timetable of which will not be made public;
    3) 24 hours before the planned start of the train, which applies to the paths of freight trains, non-commercial passenger trains, and light-running locomotives.

19. PLK does not develop simplified timetables as construed under Article 30(10) of the Act. For the requests made less than 5 days before the scheduled start of the train, PLK develops the train timetable according to the principles applicable to IRJ.

20. To provide the applicants with the information concerning the remaining capacity available in IRJ, PLK allows the applicants to display via ISZTP or SKRJ the traffic diagrams of all applicant trains, complete with the data of train type, train number, path request number, train route, and run date, without identification of the RUs of applicants other than those who display the traffic diagrams.

21. If applicants agree to mutual visibility of their train paths on the traffic diagrams, the information listed in section 20 will also include RU identification; if displayed in SKRJ, the data also includes an overview of the Request and generation of data reports.

    The agree to mutual visibility of their train paths on the traffic diagrams should be obtained for a given train timetable and sent 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

### 4.5.4. Coordination Process

1. For coordination of train connections, PLK organises and attends timetabling conferences with concerned passenger RUs.

   The arrangements from the international conferences on timetables of international passenger and freight trains agreed with the representative of Centrum Zarządzania Ruchem Kolejowym PLK [PLK Railway Traffic Management Centre] and the RU representative are binding.

   The dates of timetabling conferences are specified in **Annex 8.1**.
2. In the case of conflict between the submitted path allocation requests, PLK ensures the best possible fulfilment of submitted requests by carrying out consultation with the interested RUs, according to priority rules referred to in subchapter 4.5.5.
3. For multi-network paths, PLK conducts a coordination process identical to the process applicable to single-network paths, with consideration of the arrangements for cooperation with other IMs.
4. If there are difficulties in determining multi-network paths, PLK manages arrangements with other IMs and applicants to reach a compromise satisfactory to all stakeholders.
5. For the arrangements, PLK may suggest:
   1) Modification of path parameters;
   2) A change of the time of train handover/takeover at the contact point with other IM;
   3) Restrict or change the date of train runs;
   4) Modification of colliding train paths.

### 4.5.5. 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 the stakeholding applicants with essential information (on paper or electronically) concerning the requested conflicting paths, without disclosing the identity of all remaining applicants unless they agree to such disclosure, as well as concerning the criteria applied in the train path allocation process.

   PLK proposes solutions to resolve the conflict promptly after its discovery, respecting the priorities of train paths allocation specified in subchapter 4.5.1 section 2. The proposal of resolution might consist in:
   1) Allocation of another time configuration for the requested train paths;
   2) Development of a timetable to run the trains on different paths than specified in the path allocation requests;

3) Reduction of the time of the train run through the congested infrastructure section by reduction of the number of stops, reduction of the duration of stops, reduction of the train weight, and/or deployment of a motive unit with superior traction parameters;
4) The application of:
   a) Timetable options for the colliding train paths on their dates;
   b) Restrictions – on particular dates - on the traffic of selected trains.

PLK informs about the criteria to be taken into account in the process of train path allocation and identifies the requests for allocation of the train paths equivalent in the priority of capacity allocation.

The proposed solutions are discussed during the coordination process. The applicant may make comments and propose possible modifications for the submitted requests which PLK implements as technical and operating capabilities allow.

The lack of the applicant's response in 5 business days from being served by PLK the a proposal of conflict resolution shall be considered as acceptance of the proposal.

In the case of a conflict between train paths from the same applicant or when it is impossible to establish the planned train connections, the applicant's decision is overruling.

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

2. The times for international train takeover and handover at border crossings are arranged at the international conferences.

   In the case of a conflict between international and domestic train paths, PLK proposes a solution which respects the principles of coordination referred to in section 1.
3. If the process of coordination does not result in a solution satisfactory to all the stakeholders, PLK allocates the train path with consideration of the technical and operating preconditions and the best usage of capacity on the accessible railway lines, and the feasibility of changing the times of takeover or handover of the trains at the points of contact between the IMs or the border crossings.
4. In the event of difficulties in establishing paths for multi-network trains, PLK and the stakeholding IM propose a solution, in consideration of the coordination procedure referred to in section 1 and the available capacity of both IMs concerned.

   The adopted solutions are submitted to the applicants as a draft timetable draft for approval in accordance with subchapter 4.5.1.
5. For capacity allocation disputes (this applies to requests with the same routing priority), PLK:
   1) Requests the interested applicants to present their position in the dispute within 4 business days;

2) Having received their position, analyses them in 4 business days:
   a) In the case of equal priorities, an analysis is made for a better usage of the capacity; the capacity is first allocated to the paths with a better usage;
   b) In the case of equal priorities and identical usage of capacity, the analysis examines the parameters of the path, including gross and number of days of train running; the capacity is first allocated to the path with more days of train running or with the higher gross;
   c) If all the parameters are identical, the capacity is first allocated to the applicant who has planned more train paths on the same railway line section in the previous timetable;
3) Informs the applicants of the resolution reached no later than 10 business days after the date of receipt of the notice of dispute over the allocation of capacity.

## 4.6. Congested Infrastructure

1. If, despite the actions referred to in subchapter 4.5.4 section 2, it is not possible to fulfil the path allocation requests as expected by the applicants, PLK promptly notifies the President of UTK and the involved applicants, that the railway line or its section, as applicable, is congested, without prejudice to the circumstances referred to in § 7(11)(1) of the Regulation. PLK notifies about the railway line or its section where lack of capacity is expected in the next RRJ development period.
2. PLK releases the results of capacity analyses for congested railway lines or sections to the President of UTK, complete with a plan for capacity increase according to the principles established to in the Regulation.
3. The train paths on congested railway line sections are allocated according to the results of the bid referred to in § 7(11)(4) of the Regulation and carried out according to the principles established in **Annex 8.3**.

## 4.7. Exceptional Transport and Dangerous Goods

1. PLK performs activities related to carriage of exceptional consignments and dangerous goods (including High-Risk Goods) in accordance with its regulations specified in **Annex 3.1**.
2. The requirements and information concerning exceptional transport and dangerous goods (including High-Risk Goods) are specified in subchapters 3.4.3 and 3.4.4.

## 4.8. Rules After Path Allocation

1. Once annual path capacity is allocated, the concerned applicant may submit:
   1) A request for modification of allocated capacity in accordance with subchapter 4.8.1.;

2) A request for new train path allocation under the RRJ update in accordance with subchapter 4.8.1 or IRJ in accordance with subchapter 4.5.3;
3) cancel a train route in accordance with subchapter 4.8.4.

2. Regardless of the actions indicated in section 1, PLK may make changes in the timetable as required by changes in the railway infrastructure parameters or changes resulting from new construction, repair or maintenance of railway lines, according to the principles established in subchapter 4.8.2.

### 4.8.1. Rules for Path Modification

1. From 02 November 2021 PLK will allow applicants to request modification of allocated capacity.
2. Modification of the allocated capacity is possible exclusively by submitting a request via ISZTP, website tab: “Modyfikacja przydzielonej zdolności przepustowej” (Modification of allocated capacity) or via the OCTOPUS interface active part.
3. For the requests referred to in section 2, the applicant indicates the request to be modified and the extent of requested modification.
4. PLK shall examine the requests for modification of allocated capacity submitted as part of the RRJ update, within the deadlines and the applicability established in sections 11 to 13 and outside of the RRJ update deadlines. The examination considers:
   1) Changes to the traction unit type;
   2) Increase of the train gross weight (for freight trains, the increase cannot be more than 1000 tonnes);
   3) Changes to the train set length;
   4) Changes to the maximum axle load;
   5) Changes to the train types.
5. A modification which changes train run durations shall be introduced within the remaining capacity, or against the concerned applicants’ consent for introduction of secondary changes to the train paths which are in conflict with the modified path.
6. A modification which does not change train run durations will be automatically ordained and the concerned applicant shall immediately receive the timetable with these changes.
7. In the case of a modification of the allocated capacity, the applicant does not cancel the allocated train path and PLK does not levy a reservation charge.
8. The applicant’s acceptance of the capacity allocated against the request specified in section 2 is equivalent to the applicant's cancellation from the previously allocated capacity the request concerns.

9. A train weight reduction of does not require submission of a request for train path modification. PLK permits submission of requests for the modification until the concerned train starts.
10. PLK, during the RRJ validity period and provided that remaining capacity is available, allows the passenger URs to make the following modifications in 40 days prior to the scheduled departure of the train:
    1) Merging of train routes;
    2) Addition of trains stops to the existing train path;
    3) Removal of trains stops to the existing train path.

**Annual Timetable (RRJ) update**

11. PLK commits the RRJ update which becomes effective on 12 June 2022. The RRJ update is regulated by the following schedule:

| | Specification | Deadline |
|---|---|---|
| 1 | Submission of path allocation requests | 10 to 21 January 2022 |
| 2 | Development of the draft RRJ from the submitted path allocation requests | 24 January to 11 February 2022 |
| 3 | Release of the draft RRJ | 14 February 2022 |
| 4 | Analysis of and reservations for the draft RRJ | 15 to 18 February 2022 |
| 5 | Implementation or rejection of the reservations and proposed changes | 21 to 28 February 2022 |
| 6 | RRJ acceptance | 1 to 2 March 2022 |
| 7 | Marking train connections, transfer of wagons and transfers of train sets in ISZTP | 15 February to 2 march 2022 |
| 8 | RRJ ordination | 3 March 2022 |
| 9 | Train running period | 12 June to 10 December 2022 |

12. PLK introduces more RRJ updates for freight trains within the limits of free capacity according to the following schedule:

| | Specification | Time | | | |
|---|---|---|---|---|---|
| 1 | Submission of path allocation requests | 15 to 16 November 2021 | 4 to 5 May 2022 | 1 to 2 June 2022 | 3 December 2021 **(*)** |
| 2 | Development of the draft RRJ from the submitted path allocation requests | 17 to 23 November 2021 | 6 to 12 May 2022 | 3 to 9 June 2022 | 6 to 10 December 2021 **(*)** |
| 3 | Release of the draft RRJ | 24 November 2021 | 13 May 2022 | 10 June 2022 | 13 December 2021 **(*)** |
| 4 | Analysis of and reservations for the draft RRJ | 25 to 26 November 2021 | 14 to 16 May 2022 | 13 to 14 June 2022 | 14 to 15 December 2021 **(*)** |

| | Specification | Time | | | |
|---|---|---|---|---|---|
| 5 | Implementation or rejection of the reservations and proposed changes | 29 November to 1 December 2021 | 17 to 20 May 2022 | 15 to 17 June 2022 | 16 to 21 December 2021 **(*)** |
| 6 | RRJ acceptance | 2 December 2021 | 23 May 2022 | 20 June 2022 | 22 December 2021 **(*)** |
| 7 | RRJ ordination | 4 December 2021 | 24 May 2022 | 21 June 2022 | 23 December 2021 **(*)** |
| 8 | Train running period | 11 April to 10 December 2022 | 5 September - 10 December 2022. | 3 October - 10 December 2022. | 7 February to 10 December 2022 **(*)** |

*(*) Correction by IRJ requests*

13. The update comprises:
    1) Preparation of the proposals for changes to allocated train paths, the change of which is necessary due to the change of railway infrastructure parameters (PLK will enable the generation of a report from ISZTP for the changes in train timetables resulting from the changes in railway line parameters);
    2) Examination of the allocation requests for new train paths;
    3) Examination of the requests for modification of allocated train paths by:
        a) Reduction of the train path, provided that 30% of the original path remains unchanged and no cancellation is submitted from the date of the update;
        b) Extension of the train path, provided that no cancellation is submitted from the date of the update;
        c) Changes in the locations and duration of train stops;
        d) Changes to the train set length;
        e) Changes to the maximum axle load;
        f) Changes in the gross train weight;
        g) Changes to the motive unit series;
        h) Changes in the declared braking mass percentage;
        i) Changes in the train line speed;
        j) A train run on a partially altered way, provided that 30% of the original path remains unchanged.
14. PLK allows modifications of the path allocation request with the exception of train path cancellation, which can only be made according to the procedure specified in subchapter 4.8.4.
15. PLK examines the path requests submitted via ISZTP within the time limits specified in sections 11 and 12 pursuant to the procedure listed in subchapter 4.1 and 4.2 sections 1 to 18, as follows.
16. The path requests which concern modification of the train timetable are examined by PLK with consideration of:

1) The priority of train paths allocated under RRJ;
2) For the train paths allocated under RRJ, the principles established in subchapter 4.5.1;
3) For the train paths allocated under IRJ, the principles established in subchapter 4.5.3;
4) For new train paths, the principles established in subchapter 4.5.3.

17. For a notice of changes made as part of the RRJ update which result in changes to the timetables of other applicants, the RRJ update is done once those applicants approve it.
18. As part of the RRJ update, it is permitted to apply for new capacity to the limits of the remaining capacity available.

    The requests made by a non-RU applicant require authorization of the train paths by the RU identified to use the capacity. The authorization shall be made by the request deadlines specified in sections 11 and 12.
19. Having received the draft RRJ, the applicant either approves it or notifies of its reservations or proposed changes. The reservations and proposed changes cannot apply to the components not included by the applicant in its path requests. If the applicant does not relay its position on the draft RRJ by the deadlines established in sections 11 and 12, PLK will deem the draft RRJ to be accepted without reservations.
20. If PLK cannot fully implement the reservations or make the proposed changes identified in section 17:
    1) PLK prepares the draft RRJ which includes the applicant’s reservations to the maximum reasonable extent;
    2) PLK notifies the applicant;
    3) The applicant accepts the draft identified in point 1, or cancels the allocated capacity in whole or in part.
21. The applicant's refusal to accept the draft of the train timetable change to the extend specified in section 20 point 3 is tantamount to the applicant's cancellation of its submitted requests.
22. PLK ordains the timetable change according to the agreed parts of the draft timetable change.
23. PLK allows the interested applicants and RUs to download the finished RRJ in an electronic format from ISZTP and www.plk-sa.pl after the ordinance date identified in section 11 or 12, respectively.

### 4.8.2. Rules for Path Alteration

**Alterations (done by ZRJ) for which train path allocation requests are not considered**

1. PLK, at the deadlines specified in **Annex 5.2**, introduces changes in the train timetable, necessary due to changes in the railway infrastructure parameters which result from maintenance, refurbishment, or upgrading of the railway lines. Each such change depends on:
   1) The type of work to be carried out and the associated restrictions;
   2) The type and volume of train traffic at each location.

   The railway line capacity is available to all applicants and allocated under ZRJ according to the priorities referred to subchapter 4.5.1 section 2 and 3.

   PLK does not apply a capacity classification by type of carriage service, nor does it establish additional uniform criteria for which trains from each type of carriage service should have the paths altered in the event of capacity restrictions for more than 30 consecutive days and affecting more than 50% of the estimated railway line traffic, as referred to in Section 17 of Annex VII to Directive 2012/34/EU.
2. During the ZRJ development PLK may introduce changes within the same carriage service segment in agreement with the applicant to improve the coordination of train connections and eliminate obstructions to rail passengers, provided that these changes enable the train to run instead of forcing train run cancellation. The changes can be introduced to:
   1) Remove or add commercial train stops;
   2) Change the start time of the train within a time interval of +/- 60 minutes and, if this condition cannot be satisfied, within the first feasible remaining capacity period;
   3) Start additional non-commercial passenger trains or light-running locomotives as required to maintain proper circulation of the train formations;
   4) Change the type, length, and/or gross weight of the train;
   5) Change the train run days if a cancelled train was running within +/- 120 minutes or the interval between the nearest trains was extended too much.
3. In the case of capacity shortage, PLK proposes alternative routes, including alternative paths with exceptional consignments, which – if accepted by the applicant – will be changed by PLK automatically and free of charge, together with the preparation of consent for transporting an exceptional consignment on the new path, without having to request approval again.
4. After consultations with applicants, PLK cancels those trains which cannot run on a live track or via diversionary routes.
5. If a conflict between train paths of equal priority occurs, PLK chooses the optimal solution in terms of line capacity usage by prioritizing the applicant whose train results in a better usage of railway line capacity. The priority is given

in consideration of: train run time, train running period, planned operating duty, train path length, routing feasibility, and impact on other railway network sections.

6. Once the process of draft ZRJ project development begins, PLK notifies the applicant via e-mail about capacity shortage or restriction.
   If the applicant intends to introduce substitute carriage, the applicant shall provide information about the routes, path length, train run times, and dates of substitute carriage vehicle running. The information shall be given in 14 calendar days (at least 6 business days) of receiving the notice of capacity shortage or restriction.

   If the timing specifications of substitute carriage is not delivered, PLK reserves the right to train cancellation without accommodation of the substitute carriage organised by the applicant.
7. The regulations concerning substitute carriage introduced by the RU are established in **Annex 16**.
8. The Centrum Zarządzania Ruchem Kolejowym PLK [PLK Railway Traffic Management Centre] sends the draft domestic or international passenger traffic ZRJ via ISZTP separately to each of the concerned applicants for approval no later than 60 calendar days prior to the date of the planned change of traffic management, respecting the deadlines established in **Annex 5.2**. The applicant approves the submitted draft ZRJ within 10 calendar days according to the deadlines established in **Annex 5.2**, or notifies PLK of its reservations or suggested changes within the same time limit.

   In up to 10 calendar days from receiving the reservations or proposed changes to the draft ZRJ submitted by the applicants, PLK implements them, corrects the platform edge occupation plan, and ordains the ZRJ in 40 calendar days at the latest prior to the effective date of ZRJ pursuant to **Annex 5.2**. PLK releases the developed ZRJ to the applicants via ISZTP with e-mailed notification of the release.
9. The Centrum Zarządzania Ruchem Kolejowym PLK [PLK Railway Traffic Management Centre] sends the draft freight traffic ZRJ via ISZTP separately to each of the concerned applicants for approval no later than 35 calendar days prior to the date of the planned change of traffic management, pursuant to **Annex 5.2**. The applicant approves the submitted draft ZRJ within 14 calendar days or notifies PLK of its reservations or suggested changes within the same time limit.

   PLK implements the changes proposed by the freight applicants in the draft ZRJs in up to 5 calendar days from the submission of the proposed changes and ordains ZRJ. PLK releases the developed ZRJ to the applicants via ISZTP with e-mailed notification of the release.
10. If PLK cannot reasonably implement the reservations of an applicant to the proposed changes, the applicant can accept the PLK-proposed changes as the optimum solution under specific circumstances or cancel the proposed capacity in whole or part, where the latter results in cancellation of a train in whole or part.

If, without a reasonable cause, the applicant does not agree to the proposed changes or submit requirements impossible to meet due to technical or operational considerations, PLK has the right to qualify ZRJ as being effective. The applicant has the right to demand from PLK the rationale for which the applicant's requirements were considered unfeasible.

If the applicant does not respond, it is tantamount to its acceptance of the submitted proposal and approval of ZRJ without reservations.

11. For international train paths, PLK has the ZRJ (including diversionary routes) approved by foreign IMs [DB Netz (Germany), SŽ (Czech Republic), ŽSR (Slovakia), BC (Belarus), UZ (Ukraine), LTG Infra (Lithuania), RŻD (Russia)].
12. If necessary to issue a ZRJ correction, PLK notifies the applicants about the changes in the timetable and the deadline for submission of their approval or reservations for the changes. This deadline is a minimum of 24 hours from the time of the notice, unless PLK agrees to a shorter deadline with the applicants. If the applicants do not reply to the notice by the deadline, PLK will deem there are no reservations to the proposed ZRJ correction. The provision of section 10 shall apply accordingly.

### 4.8.3. Non-Usage Rules

1. During the execution of the timetable, a train path usage below the 70% threshold in the last period may result in forfeiture of the right to train path use.
2. For railway infrastructure sections with insufficient capacity, a train path usage below the 90% threshold in the last period may result in forfeiture of the right to train path use.
3. The forfeiture of the right to train path use referred to in sections 1 and 2 shall be preceded by an examination of the train path usage in one or more of the previous months. PLK notifies the applicant about the examination start date and the loss of the train path which may result no sooner than on the first day of the month after the month in which the examination is performed.

### 4.8.4. Rules for Cancellation

1. If the applicant does not intend to use the allocated capacity, the applicant shall cancel the allocated train path or its part in advance.

   Cancellation of the allocated train path is made in ISZTP by authorized personnel.

   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 5.6.
2. PLK receives the cancellation of allocated train path from the date of submission of the notice of train path allocation specified in subchapter 4.5.1 section 13.
3. The confirmation of the cancellation of allocated train path or its part is generated automatically in ISZTP and sent to the applicant's e-mail address.

In the event of an ISZTP failure not attributable to the applicant, the Centrum Zarządzania Ruchem Kolejowym PLK [PLK Railway Traffic Management Centre] notifies the applicants about the foreseeable obstructions and the procedure of cancellation without ISZTP, with the specimen shown in **Annex 6.4**.

4. Submission of a request for cancellation of allocated capacity with erroneous data renders the cancellation rejected.

# 5. SERVICES AND CHARGES

## 5.1. Introduction

1. PLK provides the following services:
   1) Minimum access to the railway infrastructure which includes the services specified in subchapter 5.3 section 1;
   2) Access to service facilities, which includes the services specified in 2 and 3 of Annex 2 to the Act, as applicable;
   3) Other services.
2. The use of the railway lines/sections for which no timetable is produced is regulated as stated in **Annex 15**.

## 5.2. Charging Principles

1. PLK applies the same charging principles to all applicants/RUs for the whole railway network under PLK management.
2. The principles for charge pricing are based on Article 33 of the Act and Section 10 of the Regulation.
3. The principles of pricing the unit rates used for the determination of the basic and shunting charge, including the procedure for determination of railway line section categories, are established in **Annex 9.2**.
4. PLK determines the basic charge by considering the part of the unit rate (with the exception of trains eligible for intermodal discount) related to the type of carriage operation. The unit rate is not 0 PLN/train km and determined from the results of the market analysis referred to in § 21(17) of the Regulation. The principles for application of the unit rate part related to the type of carriage and the unit rate value are specified in **Annex 9.1**.
5. For the usage of the railways or railway sections reported as congested to the President of UTK in congestion periods referred to in Article 34(1) of the Act, PLK levies an elevated basic charge from the bid winner, starting from the first day of the RRJ validity period. The elevated basic charge is determined according to the bid managed with respect to the principles discussed in **Annex 8.3**.
6. The basic charge referred to in subchapter 5.3 is determined according to the allocated train path.
7. The basic charge referred to section 6 is reduced by one half of amount which PLK would pay the RU for a train delay attributable to PLK, if the train delay is equal to the extension of the train run duration and the reduction is no more than one half of the basic charge specified in section 6, if changes are made to the timetable as specified in subchapter 4.8.2, which result in an increase of the train run duration by at least 10 minutes or 10% of the total train run duration while the train path does not change or becomes longer.

8. In the case of a train run diversion for reasons attributable to PLK, the basic charge referred to section 6 is calculated in accordance with the principles specified in the Charge Billing Procedure for Diversionary Train Runs due to Track Work in the Railway Network of PKP Polskie Linie Kolejowe S.A., available on www.plk-sa.pl, website tab: *Dla klientów i kontrahentów / Warunki udostępniania infrastruktury i regulaminy / Trasy modelowe* [For customers and partners / Terms of access to infrastructure and regulations / Model train paths].
9. Whenever an exceptional transport is required which halts traffic on the adjacent track, the RU pays the basic charge referred to in subchapter 5.3 for the use of both tracks.
10. The charge list for the 1435 mm track gauge railway infrastructure usage is shown in **Annex 9.1**.

## 5.3. Minimum Access Package and Charges

1. The minimum access to the railway infrastructure includes:
   1) Handling of the capacity allocation request;
   2) Approval for use of the railway infrastructure, including its track points and junctions within the allocated capacity;[2]
   3) Train control, including signalling and release of information on train traffic;
   4) Provision of the information required to implement or operate the carriage services for which capacity has been allocated;
   5) Access to electrical supply equipment for traction current, where available.
2. The charge for the minimum access to the railway infrastructure with the services listed in section 1 includes:
   1) The basic charge for the services provided as a part of the minimum access to the railway infrastructure, as related to the completed train run;
   2) The shunting charge for the services provided as a part of the minimum access to the railway infrastructure, related to completed shunting;
   3) The charge for the stabling of railway vehicles for at least 2 hours on tracks not a part of a service facility.
3. The unit rate of the basic charge is determined as the total of the unit rate part dependent on the mass of the train and the railway line category, the unit part rate dependent on the train traction, and the unit rate part for the type of performed carriage.

[2] According to the ruling of the Court of Justice of the European Union of 10 July 2019, case no. C-210/18, the construction of Annex II to Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area shall be that "passenger platforms" referred to in Annex I to the same Directive are elements of railway infrastructure and the operation of which is included in the minimum access package per 1(c) of Annex II, and the provision has been implemented in Annex 2 to the Act, 1(2), and implemented in the Network Statement, subchapter 5.3 section 1 point 2.

4. The unit rate part of dependent on the mass of the train and the railway line category is determined as the product of the average unit rate dependent on the mass of the train and the railway line category and the differentiating factors of the average unit rate by the train mass and the average railway line section category.
5. The detailed information concerning the procedure for basic charge and shunting charge determination is shown in **Annex 9.2**.
6. The charge for the stabling of railway vehicles for at least 2 hours on tracks not a part of a service facility is determined as the product of the stabling duration and the unit charge.

6a. At the Gdańsk Port Północny station, the charge for a stopover not shorter than 4 hours is calculated as the product of the stopover time and the unit rate.

In case of a stopover longer than 4 hours at the Gdańsk Port Północny station tracks, PLK will charge the Carrier with a fine.

The fine unit rate for a stopover:

1) lasting 4 to 7 hours is PLN 4.44/hour;
2) lasting 7 to 9 hours is PLN 19.71/hour;
3) lasting more than 9 hours is PLN 87.53/hour.

7. In the event that a dispatcher notifies the competent Centrum Zarządzania Ruchem Kolejowym PLK [PLK Railway Traffic Management Centre] regional department of a train stabled on the mainline and passing tracks which causes operational obstruction and requires removal of the railway vehicles, the charge referred to in section 6 is calculated as the triple of the unit rate for the first 12 hours of stabling which from the time specified in the notice. For each consecutive 12-hour period of stabling, the charge is increased by an amount equal to the triple of the unit rate. In the notification submitted by phone and by e-mail, the dispatcher specifies the date of removal of the railway vehicles and suggests a location of their destination.
8. The charges for the minimum access to the railway infrastructure, referred to in section 1 and the reservation charges referred to subchapter 5.6, are paid by the applicant/RU according to the specific principles stated in the Allocation Agreement or Usage Agreement, as applicable.

## 5.4. Additional Services and Charges

1. The additional services include:
   1) Development of the conditions for and ordering of exceptional transport, as discussed in subchapter 2.1.5 of the SIF Regulations.
   2) Access of RUs to information media for publishing of RU commercial information, including:
      a) Access to PLK's information media surface
      b) Access to the installation substructures for RU's information media;

3) Access to the installation substructures for ticket vending machines, ticket validators, and ticket-vending outlets (e.g. kiosks, container units, etc.).

2. The access to the installation substructures for RU's information media applies only to the locations at which an insufficient number of PLK's information media is installed and PLK does not plan to add new information media. The RU's information media shall conform to the specification requirements established in the Guidelines for Passenger Infrastructure Fixed Signage Ipi-2, available on www.plk-sa.pl, *website 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.]

   The access to the installation substructures for ticket vending machines, ticket validators, and ticket-vending outlets (e.g. kiosks, container units, etc.) is processed on a case by case basis, depending on the installation site conditions and the technical capabilities of PLK.

3. PLK levies a charge for RU's access to the information media surfaces at train platforms or platform access ways for publishing of RU's commercial information. The charge rates are specified in **Annex 9.1**.
4. The fees for access to the surface specified in section 1 point 3 are determined by the PLK Regional Departments with case by case calculation.

## 5.5. Ancillary Services and Charges

1. PLK provides an ancillary service of timetable study development on applicant's request.
2. The request for timetable study development shall be submitted according to the principles referred to in subchapters 4.1 and 4.2.
3. The production of a train timetable study does not guarantee any train path allocation.
4. PLK can provide the applicant with the timetable study not later than 7 calendar days against the request for train timetable study submitted via ISZTP or the OCTOPUS interface active part, or notifies the applicant if PLK cannot develop the timetable study.
5. PLK charges a fee for timetable studies. The unit rate per hour of study work is established in **Annex 9.1**.
6. PLK charges the following fees for the accepted requests for timetable studies:
   1) For the development of a train path study for which modification of the POS database or development of special train run conditions is not required, e.g. calculation of a train path to verify the feasibility of run with the applicant-specified gross value, axle load, where the train path is developed as request, the following charge applies:
      a) 20% of the unit hour rate for a path up to 50 km long;
      b) 40% of the unit hour rate for a path 51 to 100 km long;

c) 60% of the unit hour rate for a path 101 to 200 km long;
d) 80% of the unit hour rate for a path 201 to 300 km long;
e) 100% of the unit hour rate for a path over 301 km long;

2) For the development of a train path study which requires a POS database modification or development of special train run conditions, PLK calculates an individual charge.

## 5.6. Penalties for Non-usage and Cancellation

1. The reservation charge collected from the applicants for non-usage of allocated capacity if:
   1) the non-RU applicant does not identify the RU who is to use the allocated capacity, or the RU identified by the applicant does not conclude a Usage Agreement with PLK;
   2) the RU applicant does not conclude a Usage Agreement with PLK ;

   shall be 100% of the basic charge for the planned train run or at least 1000 PLN, whichever is higher.

   PLK does not collect a reservation charge if the RU requested the President of UTK to issue a decision on capacity usage and the President of UTK issued the decision identified in Article 30d of the Act.
2. If an RU does not use a RRJ-allocated train path in whole or part due to reasons attributable to the RU, the reservation charge for the non-used part of the train path shall be:
   1) 25% of the basic charge for the planned train run:
      a) If the RU fails to cancel the allocated train path;
      b) For the period from the cancellation submission to the day before the implementation of ZRJ for which the submission period did not expire yet;
   2) 5% of the basic charge for the planned train run if the allocated train path is cancelled, from the ZRJ implementation date for which the submission period did not expire yet to the RRJ validity period end.
3. In the event that a railway undertaking fails to use, in whole or in part, the train path allocated otherwise than under the annual timetable for reasons attributable to the railway undertaking, the reservation fee for the unused portion of the allocated train path is equal to:
   1) 25% of the basic charge for the planned train path if no request to cancel the allocated train path is submitted or it is submitted in less than 12 hours before the scheduled start time of the concerned train;
   2) 20% of the basic charge for the planned train path if the request to cancel the allocated train path is submitted between 12 and 36 hours before the scheduled start time of the concerned train;

3) 15% of the basic charge for the planned train path if the request to cancel the allocated train path is submitted between 36 and 72 hours before the scheduled start time of the concerned train;
4) 10% of the basic charge for the planned train path if the request to cancel the allocated train path is submitted between 72 hours and 30 days before the scheduled start time of the concerned train;
5) 0% of the basic charge for the planned train path if the request to cancel the allocated train path is submitted more than 30 days before the scheduled start time of the concerned train.

4. The reservation charges referred to in sections 2 and 3 is 0% of the basic charge for the planned train run when the non-usage of the allocated train path is an effect of a ZRJ path request which concerns a modification in the allocated train path.
5. If a portion of the allocated capacity is not used because the RU reduced the planned train's weight, a reservation fee is collected at 50% of the basic charge reduction for train weight reduction which does not require modification of the allocated train path.
6. The handling charge for the capacity allocation request collected from the applicants when no capacity is allocated against the request – and with the exception of non-allocation due to reasons attributable to PLK, is 100 PLN.

## 5.7. Performance Scheme

### 5.7.1. General Principles and Objectives

1. To minimise disruption and improve the performance of the railway network in terms of train run delays, a Performance Scheme is established which includes:
   1) The train run delay tolerance within which a train is deemed to run on schedule;
   2) The expected percentage share of the RU trains which will not be delayed due to the RU's fault;
   3) The train delay compensation;
   4) The sanctions for disruption of the railway network operations;
   5) The scheme of incentives for the RUs which achieve the mean annual performance above the threshold level specified in the Performance Scheme.
2. The trains running 'on schedule' shall be the RU's passenger and freight trains the maximum delay of which that occurs on the path for the arrival at the stopping points requested by the Applicant and located in the PLK-managed railway network does not exceed 5 minutes for passenger trains and 15 minutes for freight trains.
3. It is assumed that during the validity period of the 2021/2022 Timetable (RRJ), the percentage share of the RU trains which will not be delayed due to the RU's fault in the total number of RU started trains, expressed as the "RU's eligible

punctuality" will be determined by performance under the 2020/2021 Timetable (RRJ).

The Biuro Eksploatacji i Obsługi Pasażerskiej PLK [The PLK Operations and Passenger Service Office] notifies in writing each RU who achieves the mean annual eligible punctuality performance.

4. The RU shall be eligible to receive train delay compensation for the passenger and freight trains of the RU the maximum delay of which that occurs on the path for the arrival at the stopping points requested by the Applicant exceeds 5 minutes for passenger trains and 15 minutes for freight trains, and this does not apply to the trains identified in subchapter 5.7.2 section 3 point 4.
5. PLK charges penalty from the RU for all actions disruptive to the railway network operations under the circumstances identified in subchapter 5.7.3.2 section 1.
6. PLK pays an incentive to the RU under the circumstances identified in subchapter 5.7.3.3 section 1.
7. The eligible punctuality by carriage service segments is determined as an indicator of the percentage share of the number of trains which run on schedule and without any delay attributable to the RU. The indicator is the mean value of the annual RU performance identified in section 3, weighed with the number of trains of each RU. The indicator for the 2021/2022 Timetable is:
   1) ……. %[3] of passenger trains;
   2) …….%[4] of freight trains.
8. The Performance Scheme applicability discussed in section 1 points 4 and 5 includes the RUs who concluded Usage Agreements with PLK by the first day of the 2020/2021 Timetable.

## 5.7.2. Performance Monitoring

**Principles and procedure for train delay cause determination and attribution of responsibility**

1. Each train delay cause shall be qualified for eligibility according to the principles established in the Passenger and Freight Train Operation Monitoring Instruction Ir-14.
2. The stations (commercial points) for the billing of train delay compensation are railway stations within the jurisdiction of PLK.
3. The billing does not apply to the following train delays:
   1) Resulting from the deployment of emergency rescue train sets running to the site of hazardous event or near-miss on railway lines. Train delays caused by the run of an emergency rescue train will be identified with the reason codes mapped to specific hazardous events and near-misses;

[3] The indicator value will be specified once the 2020/2021 Timetable billing is closed.
[4] The indicator value will be specified once the 2020/2021 Timetable billing is closed.

2) Resulting by an emergency situation or events, which, regardless of the attribution of fault, will be qualified as external or secondary reasons not attributable to PLK and the RU concerned (delay reason code group 8 and 9 per Annex 1a to Instruction Ir-14).

   An exception is the train delays identified with reason codes 90-1, 90-2, 90-4, and 95-1 (and only if the actual delay reason remains undetermined in the reference period): the estimation and billing of train delay compensations are managed per Rail Transport Severe Accident, Event and Incident Management Instruction Ir-8;

3) Qualified with reason code 23-1 (Traction current equipment: Contact system voltage drops, outages, and loss) or reason code 23-2 (Outages in energy distribution from the power utility distribution network to non-traction current customers) due to reasons attributable to PKP Energetyka S.A. or another traction current energy distribution and sales business (assigned to the relevant commercial entities in SEPE);

4) Of the trains carrying passengers and freight started against path requests submitted less than 5 days prior to the scheduled train start, and of the trains which do not carry passengers and freight, of motive units, and maintenance and repair trains (PW, PX, TH, TS, LP, LS, LT, LZ, ZG, ZN, and ZU). If the run of any of these train types resulted in secondary delay of a passenger or freight train, the parties to which the delay(s) is(are) attributed shall pay compensation to the RUs whose trains are delayed.

4. The delays of passenger trains awaiting movement which result from the train connections will be eligible if:

   1) listed in SEPE and EDR (the latter is “Elektroniczny Dziennik Ruchu” – Electronic Traffic Log), system GUI tab “Skomunikowanie / przełączenie składu” (Train set connection / transfer), and those not listed in SEPE and EDR for which the time interval between the scheduled arrival of a train and the scheduled departure of another train enables passenger interchange, as secondary delay from the delayed train running to a train communication (interchange) point;

   2) The specific train connection was requested by an RU carrying passengers to an interchange point and the effective timetable has no time interval for passenger interchange, which means that the train arriving to the train connection point arrives on schedule, yet at a time which prevents passenger interchange, or – if an awaiting train departs, the qualification is assigned to the RU who carries passengers and plans that they interchange to an awaiting train. In this case the awaiting train delay shall be the primary delay with reason code 51-6, with the penalty chargeable from the RU who requests a train connection and whose train runs with passengers to the interchange point;

   3) if, during the use of the railway infrastructure, there are restrictions on its usage caused by an emergency or crisis which force the RU to deploy

substitute carriage, the resulting train delays and the delays between the connected trains are qualified with the Secondary Reasons group reason code 94-1.

5. The procedure for the eligibility qualification of train delays resulting from protracted running times:
   1) A train delay (including a delay of motive units) caused by a running time protracted by speed restrictions not specified in the applicable timetable shall be qualified as attributable to PLK with reason code groups 24, 25, 29, and 30, or reason codes 32-1 or 39-1, as applicable to the speed restriction reason;
   2) The protracted running time caused by the run of the train in the track direction opposite to the mainline track shall be qualified according to the primary reason which resulted in a traffic management change.
6. The procedure for the eligibility qualification of freight train delays:
   1) If operational disturbances prevent continued run of an RU train, the parties of the relevant Usage Agreement coordinate to have the RU decide to remove the traction team. The RU shall provide a traction team for the concerned train within 300 minutes from the cessation of the cause which prevents the run or from the notice of feasibility of continued running to given PLK. If the RU fails the foregoing requirement, a train delay of up to 300 minutes shall be eligible for the primary reason of the delay, while a train delay of over 300 minutes shall be eligible for the Secondary Reasons group reason code 93-3.
   2) If operational disturbances prevent the start or continued running of a train, PLK notifies the affected RU and the train is cancelled or finishes its run at an intermediate station, requalified as the train run end station. The billing of the train delay in SEPE is done until the train run end station;
   3) If the occupancy rate of the station of origin’s tracks or other reasons attributable to the owner of the railway siding not managed by the RU or PLK prevents scheduled dispatch of the train from the station, the train delay is qualified as reason code 41-1, “Secondary delays in the PLK railway network attributable to the IM who hands over the train”;
   4) If the occupancy rate of the station of origin’s tracks or other reasons attributable to the owner of the railway siding not managed by the RU or PLK prevents arrival of the train to the station without any prior train delay along its path, the train delay is qualified as reason code 40-1”, “Secondary delays in the PLK railway network attributable to the IM who takes over the train”;
   5) For the delay of a train dispatched ahead of schedule, the train delay compensation billing begins from the point the actual train run starts coinciding with the train’s timetable. The secondary delays of passenger and freight trains caused by a train running ahead of schedule shall be charged from the RU (the train owner).

## 5.7.3. Financial Model

### 5.7.3.1. Compensations

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 2021/2022, 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 2020 and in the first half of 2021).

   The compensation rate for 1 minute of train delay is determined as the quotient of the total of the following products:
   - The operational duty completed by freight trains in the second half of 2020 and in the first half of 2021;
   - The freight traffic run time factor;
   - The average railway infrastructure access rate for freight trains under the 2021/2022 timetable;

   and:
   - The operational duty completed by passenger trains in the second half of 2020 and in the first half of 2021;
   - The passenger traffic run time factor;
   - The average railway infrastructure access rate for passenger trains under the 2021/2022 timetable;

   with the dividend being:
   The total of operational duty completed by freight and passenger trains in the second half of 2020 and the first half of 2021.

   The run time factor is determined separately for freight and passenger traffic as the quotient of the operational duty completed in the second half of 2020 and the first half of 2021 and the total train run time in minutes.

   The compensation rate for 1 minute of train delay against the 2021/2022 timetable is 5.55 PLN (say: five zlotys, fifty-five groszy).

   The calculation of the compensation rate for 1 minute of train delay is based on the actual train running times. This ensures that the calculation considers factors like: the share of liability for train traffic disturbance, the recoverability of normal traffic conditions, and the average train delay times.
2. The number of train delay minutes eligible for train delay compensation is determined by the highest difference between the actual arrival time at the commercial stop point requested by the applicant and located in the PLK-managed railway network and the scheduled arrival time. The highest difference is chosen from the entire train path.

3. The product of the determined train delay minutes eligible for train delay compensation and the compensation rate for 1 minute of train delay is the train delay compensation payable to the RU who owns the delayed train.
4. If a train delay for which compensation is due, is caused by multiple reasons and attributed to different entities, the allocation of the train delay minutes and the compensation amount discussed above, SEPE calculates the compensations by percentage share. The calculation result is the “debit minutes”.
5. The percentage share is calculated by totalling all non-zeroed train delay minutes logged from the train run start station to the location at which the train delay reached its maximum, with distribution to the entities responsible for the delay and the individual train delay reasons (codes). The ratio of the number of train delay minutes allocated to each entity responsible for the train delay and the determined number of train delay minutes eligible for train delay compensation payment is determined by the percentage share of the entity in the train delay.
6. The percentage share multiplied by the number of train delay minutes eligible for train delay compensation payment determines the number of debit minutes (for the entities responsible for the train delay and the specific train delay reasons) gives the product which is multiplied by the compensation rate for 1 minute of train delay. The result determines the compensation size payable to the RU who owns the delayed train by the entities responsible for the train delay.
7. Based on the documentation managed by PLK and referred to in section 10 point 3, PLK shall determine – for all actors of the carriage process who contributed to the train delay – the percentage share in the number of train delay minutes determined in accordance with section 5;
8. In accordance with train delay percentage share referred to in section 5, PLK determines the number of train delay minutes allocated to each entity responsible for the train delay in relation to the number of train delay minutes determined in accordance with section 6. The number of train delay minutes (the debit minutes) is calculated automatically in SEPE [system tab: “Plan wykonania” > “Rozliczenie planu wykonania” (Execution plan > Account for execution plan)]. Once SEPE calculates the number into the compensation amounts (“Billing”), that number is the rationale for the issue of 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 run of the train delayed as above results in secondary delays of other trains, those trains qualify for reason code 92-1 or the applicable group 39 reason codes (Secondary reasons), whereas no train delay with group 9 reason codes shall be attributable to the RU or PLK.

10. PLK coordinates the payment of train delay compensation as follows:
    1) PLK pays compensation to the RU if the RU trains identified in subchapter 5.7.1 section 4 are delayed by PLK (or its subcontractors) or other RUs;
    2) The RU pays train delay compensation to PLK for the delays the RU causes to other RU's trains identified in subchapter 5.7.1 section 4;
    3) The train delay compensation calculations are based for each reference period is the authorized documentation managed by PLK and approved with the RU concerned. The documentation is managed in SEPE [system tab: "Plan wykonania" > "Rozliczenie planu wykonania" (Execution plan > Account for execution plan)]. It is called the train delay compensation billing of PLK's receivables and payables, which is automatically generated by SEPE.
    4) The train delay compensations are settled in monthly cycles. Each month of train delay compensation must be completed by the 20th day of the moth after the reference period. If the compensation rate for 1 minute of train delay changes during the December ZRJ, December is billed twice and separately for the previous and the new timetable. The billing includes the train delays which the RU qualify with Code R in SEPE. If PLK fails to clarify the RU's claim of train delay reasons, the train delay compensation is charged from PLK.

#### 5.7.3.2. Penalties for railway operation disruptions

1. PLK charges financial penalty from each RU whose actions disrupt the railway operations if all of the following conditions are satisfied:
    1) The RU fails to achieve the eligible punctuality per carriage segments referred to in subchapter 5.7.1 section 7;
    2) The RU fails to achieve the eligible punctuality referred to in subchapter 5.7.1 section 3;
    3) The RU fails to achieve or exceed the punctuality threshold established in § 18 of the Regulation.
2. The penalty amount is determined as the product of:
    1) The number of running trains of the RU in the 2021/2022 Timetable validity period;
    2) The difference of the RU's qualified punctuality referred to in subchapter 5.7.1 section 3 and the RU's punctuality achieved in the 2021/2022 Timetable validity period;
    3) The rate for 1 minute of train delay;
    4) The arithmetic mean of the number of train delay minutes attributable to the RU.
3. The financial penalty amount charged from the RU shall not exceed 0.1% of the basic charge billed to the RU in the 2021/2022 Timetable validity period.
4. A single financial penalty is imposed no later than on 31 March 2023.

#### 5.7.3.3. Incentives for exceeding the Performance Scheme performance threshold

1. PLK pays a cash incentive to the RU if all of the following conditions are fulfilled:
   1) The RU achieves a punctuality performance above the punctuality threshold per carriage segment specified in subchapter 5.7.1 section 7;
   2) The RU achieves a punctuality performance above the eligible punctuality threshold specified in subchapter 5.7.1 section 3;
   3) The RU achieves or exceeds the punctuality threshold established in § 18 of the Regulation.
2. The incentive amount is determined as the product of:
   1) The number of running trains of the RU in the 2021/2022 Timetable validity period;
   2) The difference of the RU's punctuality performance achieved in the 2021/2022 Timetable validity period and the RU's qualified punctuality referred to in the 2020/2021 Timetable validity period;
   3) The average route length of non-delayed trains;
   4) The average rate dependent on the train weight (mass) and railway line category specified in **Annex 9.1**.
3. The incentive amount payable from the RU shall not exceed 0.1% of the basic charge billed to the RU in the 2021/2022 Timetable validity period.
4. A single incentive is paid no later than on 31 March 2023.

### 5.7.4. Governance and Dispute Resolution System

1. The principles of train delay reconciliation, complaint handling, and dispute resolution:
   1) Each RU is required to verify and authorise the quality of train run in the SEPE Authorisation Module. Access to the Module is granted to the RU in accordance with the procedure in subchapter 6.4 section 2. The authorisation must be done within 3 working days after the train run by selecting "T – authorisation" or "R – complaints" in the event of any reservations. If a train is not verified and authorized before this deadline, PLK deems that the RU has agreed to the qualification of train delay reasons;
   2) If the RU files objections to the trueness of a train delay reason qualification (SEPE "R – Complaints" option), designated PLK staff members will immediately – or whenever reasonable, not later than in 3 business days from the SEPE-recorded complaint submission, decide how to handle the RU's objections;
   3) Each RU shall submit its appeal from the train delay reason qualification by train dispatchers immediately after the completion of the process stages identified in points 1 and 2 (or, whenever reasonable, no later than 7 days after the end of run of the concerned train) to the Centrum Zarządzania Ruchem Kolejowym PLK [PLK Railway Traffic Management Centre], which

shall, within three consecutive business days, examine the objections of the RU and return to RU with a notice of the examination procedure applied to the objections.

4) If following the foregoing procedures the RU still maintains objections to the reasons and proper handling of its appeal, the RU shall have the right to file a complaint with the PLK Corporate Operations and Passenger Service Department immediately or whenever reasonable by the 10th day of the following month.

   The Biuro Eksploatacji i Obsługi Pasażerskiej PLK [PLK Operations and Passenger Service Office] will consider the complaint in 5 business days. The RU must be notified of the examination procedure applied to the objections. If the RU's objections are rejected, the RU shall have the right to file an appeal by the 15th day of the following month. The RU can also request the IM to present the appropriate documentation related to the train delay in question;

5) At the final stage of the process of handling the complaint on the train delay reason qualification by the Biuro Eksploatacji i Obsługi Pasażerskiej PLK [PLK Operations and Passenger Service Office], all questionable and unexplained train delay reasons resulting from incorrect performance of the railway infrastructure assets are attributable to PLK.

6) If, in a particular case, the train delay reason was established and indicated the RU as the responsible party while the RU claims that it is not responsible for the train delay, the burden of proof for the claim lies with the RU.

2. The procedure for train delay compensation billing under the Performance Scheme is established in the Usage Agreement.

## 5.8. Changes to Charges

1. The charge system referred to in subchapter 5.2, remains unchanged in the 2021/2022 Timetable validity period.
2. The "List of 1435 mm track gauge railway lines managed by PKP Polskie Linie Kolejowe S.A. with assigned price categories" in **Annex 9.3** will be updated at deadlines listed in **Annex 5.2** on which the changed traffic management becomes effective.

## 5.9. Billing arrangements

### Billing principles

1. The billing of applicants and RU for provided carriage services is done according to the procedure established in the Allocation Agreements or the Usage Agreements, as applicable.
2. Each billing of payables is made with a 21-day payment term from the date of invoicing.

3. The default in payment will have interest accrued.
4. For the charges specified in this Chapter the VAT rate applies as established in separate regulations of law.

**Financial guarantees**

5. PLK may request the applicant/RU to submit a financial guarantee referred to in Commission Implementing Regulation (EU) 2015/10 of 6 January 2015 on criteria for applicants for rail infrastructure capacity and repealing Implementing Regulation (EU) No 870/2014.
6. The financial guarantee can only be submitted in the form of:
   1) Advance payments for advance reduction and billing of the future obligations to pay for the services rendered in the minimum access package;
   2) The guarantees issued by financial institutions who commit themselves to settle the mature liabilities for the services rendered in the minimum access package. A financial guarantee issued by a bank or insurance institution unsupervised by the Polish Financial Supervision Authority (the KNF) or by branches of foreign credit or insurance institutions not listed by the KNF list requires a counter-warranty from a KNF-supervised bank or insurance institution or by a KNF-listed branch of a foreign credit or insurance institution.

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

      The financial guarantee cannot be issued by banks or insurance institutions which are officially pending recovery.
7. PLK bases its request for a financial guarantee on the credit rating of the applicant or RU from no more than two years ago and issued by a rating agency or another professional credit rating or scoring entity.
8. If requested to do so by the applicant or RU, PLK will notify it of the credit rating issued by a professional credit rating or scoring entity.
9. The amount of financial guarantee required by PLK from the applicant or RU is equivalent to the estimated gross amount of charges for the services ordered from the minimum access package related to train service and the estimated gross charges for shunting or stabling trains accrued for maximum two consecutive billing reference periods. The validity period of the financial guarantee issued by a financial institution must include the whole timetable period and 2 subsequent months after the timetable expiry.
10. PLK applies the following financial guarantee requirements:
    1) For non-RU applicants:
       a) If the credit rating or score is positive, PLK will not request a financial guarantee issued by a financial institution, provided that the current liabilities of the RU identified to use the allocated capacity are settled in 60 days from the date of maturity;

b) If the credit rating or score is negative (or no rating or score is established), PLK has the right to request a financial guarantee issued by a financial institution to secure the future liabilities of the RU identified to use the allocated capacity;

2) For RUs:

a) If the credit rating or score is positive, PLK will not request a financial guarantee, provided that the current liabilities of the RU identified to use the allocated capacity are settled in 60 days from the date of maturity for the access services;

b) If the credit rating or score is negative but the RU was not in default with a mature payment for more than 30 days in the last 12 months, PLK will not request a financial guarantee, whereas PLK has the right to request a financial guarantee if the current liabilities for the access services rendered are not paid in 30 days from the date of maturity;

c) f the credit rating or score is negative but the RU was in default with one or more mature payments for more than 30 days in the last 12 months, PLK has the right to request a financial guarantee for future liabilities, and the financial guarantee shall be presented in 10 days prior to the first day of the month in which the train runs begin.

11. PLK has the right to request supplementation of the existing financial guarantee or an ancillary financial warranty in the following circumstances:

1) If the value of payment for the services ordered from the minimum access package and related to train runs and the estimated charges for rail vehicle shunting and stabling exceeds the thresholds established in section 9 within a period of 2 months;

2) When PLK uses a part of or the whole financial guarantee to offset the default financial liabilities of the RU.

12. If the financial guarantee is not submitted or complemented as requested by the deadline established by PLK in the Allocation Agreement, the non-RU applicant is summoned to submit a financial institution guarantee in 10 days of notice.

13. If the financial guarantee is not submitted or complemented as requested by the deadline established by PLK in the Usage Agreement, the non-RU applicant is summoned to submit a financial institution guarantee in 10 days of notice or to make advance payment in 7 days of notice. Failure to submit or complement the financial guarantee required from the RU according to the summons (and the financial guarantee shall be understood as advance payment or a financial institution guarantee, as applicable) may result in PLK's application to the President of UTK for termination of the Usage Agreement.

14. The financial institution guarantee should be submitted according to the specimen attached to the Allocation or Usage Agreement. PLK accepts financial guarantees

the provisions of which differ from the specimen after prior approval of the divergent financial guarantee contents.

15. The details of submission, complement and payment of financial institution guarantees are established in the Allocation or Usage Agreement, as applicable.
16. PLK does not demand the submission of a financial institution guarantee against the payment made directly to PLK for the services rendered under the minimum access package, where the payer is a competent authority pursuant to 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) Nos. 1191/69 and 1107/70.

# 6. OPERATIONS

## 6.1. Introduction

1. Railway traffic on PLK's lines is operated according to prepared timetable on the basis applications of train path allocation.
2. The composition of wagons or other rail vehicles coupled with motive unit or a single motive unit complete with signalling and prepared for a run receives the status of a train at the moment of the notice of readiness to depart from the start station.
3. The train status is granted to all trains incoming from the networks of other IMs (with a delay of no more 18 hours, in accordance with Section 7 of Annex VII to Directive 2012/34/EU) or from service facilities or private infrastructure, according to the valid timetable.
4. The train status expires when:
   1) The train arrives to the end station specified in the timetable or leaves the PLK-managed railway network;
   2) The train driver notifies an intermediate station it is impossible to continue the run due to reasons attributable to the RU or there is no notice of readiness to depart after 24 hours from arrival to an intermediate station.

   When the train status expires, the train starts again after allocation of a new train path.
5. The principles of notification of train readiness for departure by authorized RU personnel specified in section 2 are regulated in Train Control Instruction Ir-1 referred to in **Annex 3.1**.
6. The notice of readiness to depart is deemed served in the deadline which requires PLK to execute the train run according to the relevant Usage Agreement only when the notice is made before the scheduled train departure, at the time fixed in the technical regulations; this does not apply to a traction team change after which the notice of readiness to depart shall be made in a time which facilitates the on-schedule train departure.

   In the case of breach of the deadline for the notice of readiness to depart according to the principles specified above, the RU shall have no right to claim complaint on the train run punctuality.

## 6.2. Operational Rules

1. The RU shall comply with the principles and conditions of traffic operation on railway lines specified in the Polish Regulation of the Minister of Infrastructure of 18 July 2005 on the general requirements for railway traffic operation and signalling.

   The RU employees who perform activities directly related to railway traffic safety are bound to comply with the safety regulations referred to **Annex 3.1**.

   Each applicant and RU who operates on the PLK-managed railway infrastructure shall comply with the internal regulations specified in **Annex 3.2**.

   For cross-border traffic, additional railway traffic management regulations apply as established in separate arrangements, regulations, or instructions/guidelines.
2. The internal regulations are published in the PLK Bulletins available on www.plk-sa.pl, website tab: *Dla klientów i kontrahentów / Akty prawne i przepisy / Biuletyn PKP Polskie Linie Kolejowe S.A.* [For customers and partners / Legal acts and regulations / Bulletin of PKP Polskie Linie Kolejowe S.A.]
3. The Instructions and other internal regulations of PLK listed **Annexes 3.1** and **3.2** are published on www.plk-sa.pl, website 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 the applicants about changes in the PLK internal regulations listed in **Annexes 3.1** and **3.2** and the changes to the arrangements, regulations or instructions/guidelines effective for the cross-border traffic referred to in section 1 with enough advance to allow the applicants to prepare for the changes and no later than 30 calendar days before effective date of the change.
5. The arrangements, regulations, and instructions/guidelines referred to section 1, the abstracts from current technical regulations, and schematic plans of operating control points and forwarding points are available on www.plk-sa.pl, by logging in to ISZTP, or via the OCTOPUS interface passive part. The RU may request the competent PLK Regional Department of jurisdiction to release free-of-charge electronic versions of the documents missing from the foregoing resources; if required, the competent PLK maintenance-of-way department of jurisdiction delivers training to the RU personnel against a training charge.
6. The essential information concerning the conditions of access to cross-border railway line sections are available on www.plk-sa.pl, website 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 / Essential information concerning the conditions of access to cross-border railway line sections].
7. The drivers who conduct railway vehicles in the PLK-managed network shall speak Polish. For cross-border traffic carried out on the railway line sections within

the local border agreements with the EU Member States neighbouring the Republic of Poland, the RU may request waiver of the requirement to understand and communicate on CEFR Level B1 for one or more drivers. The requests for waiver of the language requirements shall be sent at the following address:

**PKP Polskie Linie Kolejowe S.A.**

**Centrala**
**Biuro Eksploatacji i Obsługi Pasażerskiej**
ul. Targowa 74, 03-734 Warszawa
e-mail: ies@plk-sa.pl

The procedure of waiver of cross-border traffic driver language requirements are established in **Annex 14**.

## 6.3. Operational Measures

### 6.3.1. Principles

1. Each train run is preceded by train dispatch-level planning of train start, during which the RU provides the required information via the SEPE Planning Module. Access to the Module is granted to the RU in accordance with the procedure in subchapter 6.4 section 2.

   The train dispatch-level planning does not apply to passenger trains which carry passengers, except for cancellation of those trains.

   For trains which carry High-Risk Goods and exceptional consignments, the RUs provide additional information to SEPE. The information concerns the planned formation of the concerned train which will include wagons:

   1) With High-Risk Goods, where the RU shall select:
      a) The number of wagons per UN Number and Hazard;
      b) The route of the High-Risk Goods consignment on the train: origin and destination, which respectively mean the station of coupling and uncoupling the wagons with specific UN Numbers and hazards;
   2) With exceptional consignments, where the RU shall select:
      a) The number of wagons;
      b) The restriction type, e.g. gauge overrun, axle load overrun, long rail consignment, or High Cube consignment;
      c) The route: origin and destination, which respectively mean the station of coupling and uncoupling of the wagons;
      d) The route of the exceptional consignment on the train, i.e. the station of origin and the station of destination;
      e) The number of permit for international or domestic exceptional transport, as applicable, and the attached ordinances for exceptional transport (it is recommended to append all ordinances for the entire exceptional

transport path), or the permit for exceptional transport which itself is an ordinance for international or domestic exceptional transport.

Having entered this information, the RU shall confirm the planning process by notification made by phone to the Centrum Zarządzania Ruchem Kolejowym PLK [PLK Railway Traffic Management Centre] regional department competent for the origin and destination locations (see the contact details in **Annex 4.3**) and the latter feeds back the planning proof of confirmation.

If the planning cannot be completed in SEPE, the RU shall pass the information by phone to the PLK Railway Traffic Management Centre branch office competent for the origin and destination locations (see the contact details in **Annex 4.3**) and the latter feeds back the planning proof of confirmation.

2. The RU can enter or report the information listed in section 1 in these hours:
   1) $21^{00}$ to $22^{00}$ on the day before the day of the train run planned for a time between $0^{01}$ and $6^{00}$;
   2) $3^{00}$ to $4^{00}$ if the train run is planned for a time between $6^{01}$ and $12^{00}$;
   3) $9^{00}$ to $10^{00}$, if the train run is planned for a time between $12^{01}$ and $18^{00}$;
   4) $15^{00}$ to $16^{00}$, if the train run is planned for a time between $18^{01}$ to $0^{00}$.

   Whenever reasonable to do so, PLK permits the relay of the additional information concerning the formation of the train with High-Goods wagons and exceptional consignment wagons outside of the train dispatcher-level planning process and no later than 60 minutes before the train departure.
3. For each deviation from the Timetable, the train traffic is controlled according to the train priority levels identified in subchapter 4.5.1 section 3, reflecting the capacity usage and minimisation of train delays. For freight traffic, the highest priority is given to on-schedule trains.
4. The dispatcher of the Centrum Zarządzania Ruchem Kolejowym PLK [PLK Railway Traffic Management Centre] regional department competent for the train start location may authorise the start of a train whose notification of readiness to depart is delayed by no more than 12 hours due to reasons attributable solely to the RU.

   PLK accepts a delayed train without a 12-hour time limit if the delay is solely attributable to PLK.

   A delayed train accepted for a run is conducted according to the train run times from the timetable applicable to the train path.
5. In the case of an unplanned change of traction or conductor teams, the RA shall agree with the train dispatcher at the competent Centrum Zarządzania Ruchem Kolejowym PLK [PLK Railway Traffic Management Centre] regional department on the station at which the team will change.
6. The PLK personnel responsible train traffic control issue commands the motive unit drivers as required to ensure traffic safety and control on the PLK-managed railway lines.

7. Whenever required by technical and operational concerns or the need for efficient usage of railway lines to adjust the carriage service management to new conditions discovered during operation on railway lines or sections, PLK notifies the RUs of the adjustments the requirement potentially applies to.
8. The procedure for verification tasks by authorized PLK personnel is established in **Annex 11**.

## 6.3.2. Operation Regulation

1. The detailed principles for train traffic control is established in Train Control Instruction Ir-1.
2. For operation of ERTMS/ETCS, the detailed train traffic control principles apply as established in:
   1) ERTMS/ETCS Level 1 Train Traffic Operation Instruction Ir-1a;
   2) ERTMS/ETCS Level 2 Train Traffic Operation Instruction Ir- 1b.
3. The principles and procedures for shunting on PLK-managed railway lines are established in Shunting Instruction Ir-9.
4. The Manuals identified in sections 1 to 3 and listed in **Annexes 3.1** and **3.2** are published www.plk-sa.pl, website tab: *Dla klientów i kontrahentów / Akty prawne i przepisy / Instrukcje PKP Polskie Linie Kolejowe S.A.* [For customers and partners / Legal acts and regulations / Instruction of PKP Polskie Linie Kolejowe S.A.]

## 6.3.3. Disturbances

### 6.3.3.1. Special Measures for Disturbances and Unforeseeable Issues

1. In an emergency or a crisis, in particular those which result from the needs of state defence and security, PLK suspends or restricts railway traffic and determines the extent of carriage process modifications.
2. PLK has the right to request the RU to appoint its representatives to the crisis management teams appointed and established in the PLK structures for emergencies and crises.
3. The procedure for emergencies and crises are established in the following:
   1) “Principles of the railway crisis management system organisation during emergencies and crises on the railway lines managed by PKP Polskie Linie Kolejowe S.A. and in the buildings and other structures intended for processing of personnel and cargo” (henceforth the “Emergency and Crisis Organisation Principles”);
   2) “Principles for the monitoring of current operating and carriage duty and the procedure for hazards, crises, and other events on the railway lines managed by PKP Polskie Linie Kolejowe S.A. and in the buildings and other structures intended for processing of personnel and cargo” (henceforth the “Emergency Monitoring Principles”);

3) Establishment – with reference to the Emergency and Crisis Organisation Principles and the Emergency Monitoring Principles – of the "Emergency response procedure for natural disasters, terrorism, or sabotage (with task response modules to applicable alarm levels and CRP alarms levels), strikes, and protests concomitant to lockouts of railway tracks and facilities, and engineering failures" (henceforth the "Crisis Response Procedures").

4. Within the applicability of the railway crisis management system, whenever it is required to cancel trains within the jurisdiction of a Centrum Zarządzania Ruchem Kolejowym PLK [PLK Railway Traffic Management Centre] regional department, the order to cancel trains is made by the regional crisis management team leader and if the team has not been appointed, the order to cancel trains is given by the Head of the Centrum Zarządzania Ruchem Kolejowym PLK [PLK Railway Traffic Management Centre] regional department in coordination with the stakeholding RUs.

   Within the applicability of the railway crisis management system, PLK and the RU bear all relevant costs from the action taken to maintain traffic access or technical security of the railway lines.

5. Within the applicability of the railway crisis management system, whenever it is required to stop the train traffic in the whole railway network, this decision is made by the Railway Crisis Management Team Leader, its Deputy, or the Railway Crisis Management Centre Leader or its Deputy.

#### 6.3.3.2. Response procedure for railway service hazards and near misses

1. For a railway service event (being a severe accident, an event or an incident) or a near miss, the actors of the train run shall act in compliance with the Polish Regulation of the Minister of Infrastructure and Construction of 16 March 2016 on railway transport severe accidents, events and incidents and the internal regulations specified in **Annex 3**.

   Detailed rules for notification about hazardous events and near-misses, the procedure for appointment and operation of relevant railway committees hazards, the rules for qualification of hazardous events and near-misses, and the principles of documenting the applicable proceedings are established in Rail Transport Severe Accident, Event and Incident Management Instruction Ir-8 referred to **Annex 3.2**.

2. Each personnel member of an RU and PLK who discovers a potential or actual railway event (especially a hazardous event or a near-miss, as contemplated in section 1) on a railway operation sites shall:
   1) Use all possible and available measures to eliminate the hazard, prevent its escalation, and contain its consequences;
   2) Notify the employee of the nearest PLK operating control point.

3. If a hazardous event or a near miss referred to in section 1 results or may result in direct hazard of environmental damage or an actual environmental damage, contamination of railway infrastructure components, or a risk of explosion, fire

or other hazard to railway operations, each personnel member of an RU and PLK shall notify the employee of the nearest PLK operating control point who relays notifications according to the regulations listed in section 1 and who mediates in the deployment of all possible measures for hazard elimination and prevention.

4. PLK and the RU shall:
   1) Aid all injured;
   2) Cooperate to minimise the negative impacts of the events or near-misses referred to in section 1;
   3) Cooperate in removal of damage and the fastest possible recovery of railway traffic;
   4) Cooperate in the investigations on the root causes of the event or the near miss referred to in section 1;
   5) Cooperate in removal of the sources and effects of contamination.
5. After the investigation into a hazardous event or near miss which resulted in damage to a party of an Usage Agreement, the Director of the PLK Regional Department competent for the area of the hazardous event or near miss establishes a Damage and Liability Assessment Team. The Damage and Liability Assessment Team can be appointed by the RU if not appointed by the Director of the competent PLK Regional Department in 7 days from the end of work of the relevant railway committee, or as applicable to near misses, from the date of issue of the final investigation report.

   The Damage and Liability Assessment Team includes duly authorized representatives of the RU and PLK. The authorizations for the PLK members of the Damage and Liability Assessment Team are issued by the Director of the PLK Regional Department competent for the area of the hazardous event or near miss. The authorizations for the RU members of the Damage and Liability Assessment Team are issued by the individual identified in the relevant Usage Agreement.

   Each meeting of the Damage and Liability Assessment Team has minutes produced by the Team appointing side and signed by all Team members. The minutes of the last meeting determines the method and deadlines for financial billing, aside from the ascertained damage worth and liability.

   In the case of a dispute between the Parties, the minutes of the last meeting should allow recording of the position of each Team member who raises objections to the Team findings.

   If the Damage and Liability Assessment Team members are effectively served the notice of location and time for the Team meeting and a Team member fails provide the Damage and Liability Assessment Team Leader with the notice of inability to attend and its rationale until the actual start of the Team meeting, the findings of that Team meeting shall be binding.

   The basis for the operation of the Damage and Liability Assessment Team shall be as follows: for hazardous events, the final report of findings of the relevant railway committee or the report of the State Railway Accident Investigation Committee,

and for near misses, the final report from the investigation process or, if no investigation has been opened, a memo.

6. The findings of the Damage and Liability Assessment Team discussed in section 5 shall be binding to all parties of the proceeding.

   If it is not feasible to agree on the damage worth and liability applicability of the parties, these will be established with legal means.
7. If, as a result of a near miss referred to in section 1, the PLK railway infrastructure is damaged, the repairs of the damaged components is made by PLK or outsourced by PLK.
8. For the train runs carried out by PLK or an RU to remove the consequences of a hazardous event or a near miss discussed in section 1 and present on the PLK-managed railway lines, no train timetable is prepared and the train runs according to the internal regulations of PLK listed in **Annex 3.2**.

#### 6.3.3.3. Procedure for Other Disturbances in Operations

1. When train timetable deviations occur attributable to the parties of a Usage Agreement (incl. due to a hazardous event or near miss), both parties bear mutual responsibility for the difficulties in operation of the railway lines before the parties themselves and other railway line users.
2. Pursuant to the Act, in the event of a hazard to the traffic safety or the safety of carriage of passengers and cargo, PLK shall to suspend restrict traffic on the affected railway line (or its part).
3. PLK immediately notifies the concerned RUs about the operational disturbances which affect the operations of the RUs, the consequences of the disturbances, and the response to the disturbances.

   The information concerning the operational difficulties in the PLK-managed railway network are relayed according to Chapter 4 in the “Emergency Monitoring Principles” referred to in **Annex 3.2** and available on www.plk-sa.pl, website 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.].

   If the event of operational disturbances caused by an engineering failure or an accident and with a potential impact on the cross-border traffic in the railway infrastructure of other IMs, PLK immediately notifies the affected IMs about the disturbances and cooperates with the IMs to recover undisturbed cross-border traffic.
4. In the event of operational disturbance, PLK responds (having submitted proposals the response to the RU) to recover normal operational conditions.

   For this purpose, PLK makes final and binding decisions for the RUs.
   The decisions particularly concern: reduction of train line speed, diversionary train traffic, deployment of substitute traction units, train cancellation, reduction of train routes, merging of trains, interchange of passengers from the trains cancelled on

the path to the nearest trains with a similar running direction (and also operated by other RUs), and additional train stopping.

Once a train releases passengers to another train, it continues along its path as a non-commercial passenger train to a railway station coordinated with the RU.

5. PLK has the right – in the case of sudden operational difficulties, e.g. necessary removal of damaged rolling stock or a rolling stock with shifted cargo to clear the railway tracks – to use a RU's motive unit or to hire (assume control over) the RU's personnel member (a driver or an auditor) with sufficient qualifications to remove the failed railway vehicle of the same or another RU from the line segment. If the train driver PLK assumes control over has no qualification (for carriage of passengers or cargo), the train driver must notify the competent train dispatcher of it.

   This also applies whenever it is necessary to withdraw damaged rolling stock from a train formation, which – because of failure of the rolling stock preventing the train from continued running – was stopped on a mainline track at a railway station or when the stopped train blocks or significantly restrict the capacity of a station or a line.

   PLK's use of a RU's motive unit or hiring (assumption of control over) RU's personnel members is permitted when required to tow off a damaged railway vehicle to the nearest station where it is possible to stable the vehicle or to move a damaged rolling stock from a mainline track to a side track at a station and assistance in the essential brake test following separation of the rolling stock from its train.

   In the case of operational difficulties, RUs' personnel members shall follow the orders of PLK required to recover normal operational conditions.

   The billing of the costs incurred due to extra operation of a motive unit or hiring (assumption of control over) RU personnel members is done in accordance with the principles established in the relevant Usage Agreement, where the provisions in subchapter 3.3 shall apply.

6. For the recovery of railway traffic on a mainline or station track under the circumstances contemplated in section 5, PLK has the right to deploy railway technical emergency teams.

   The costs of railway technical emergency team deployment are charged by PLK from the RU if traffic was halted due to reasons attributable to the RU.

   Before the costs are charged, PLK provides the concerned RU with the calculation of the railway technical emergency team deployment costs.

7. The RU and PLK shall cover the documented direct costs (i.e. except for the overheads and profit margins) of the emergency response required to ensure the safety and continuity of railway traffic by elimination of the impact of hazardous events or near misses (according to the qualification governed by Ir-8) if the reasons for the costs are attributable to the RU and PLK, respectively.

8. Reimbursement of the charges billed for the costs of liquidation of hazardous event or near miss impact, operation of RU's motive unit for elimination of operational disturbances referred to in section 5, including those caused by PLK, and other billing is appropriately made both by PLK and the RU within the terms of payment established in a bilateral agreement to credit PLK or the RU, as applicable.
9. Whenever a freight RU who uses:
   1) SIF terminal load tracks specified in subchapter 7.3.3;
   2) SIF stabling tracks specified in subchapter 7.3.5 applicable to the tracks located at truck aprons, dock ramps or other sites which facilitate handling of loads and not under management of PLK;

   completes train unloading and leaves an empty train formation in a way which obstructs other freight RUs on the same tracks for handling of aggregate material, the obstructed RU shall report to the train dispatcher of territorially competent Centrum Zarządzania Ruchem Kolejowym PLK [PLK Railway Traffic Management Centre] regional department a proposal of shunting the empty railway cars to another track and securing them there.

   The PLK train dispatcher will agree (by phone and e-mail) with the RU whose empty train occupies the track to shunt the train wagons to another track located in the same shunting area (for large train stations) and the shunting operation will be made by the obstructed RU.

   The costs resulting from the empty train formation shunting shall be charged to the RU who has left the empty train and billed by PLK against an invoice issued by the obstructed RU who removed the empty train formation, pursuant to the principles explained in section 5.

   In the event of a hazardous event or a near miss during the shunting of the train formation, the procedure to comply with is established in Rail Transport Severe Accident, Event and Incident Management Instruction Ir-8 referred to **Annex 3.2**.

**Procedure for Rolling Stock Emergencies during Train Runs**

10. The detection of emergency conditions in running rolling stock caused by overheated axle boxes, overheated brakes, or other deformation of wheel rolling surface is facilitated by dSAT devices (Rolling Stock Emergency Detection devices) used on the railway lines.
11. The live tracking of rolling stock emergencies caused by failure of the running gear and non-compliance of wagon loading is managed in SID, a master IT system. Each RU can access SID against an approved access request served to:

    **PKP Polskie Linie Kolejowe S.A.**
    **Biuro Automatyki i Telekomunikacji**
    ul. Targowa 74, 03-734 Warszawa
    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 disturbances caused by dSAT detection of a failure of wheelsets and other running gear components of a rolling stock, the concerned RU shall respect the dSAT indications and follow the emergency detection procedures established in detail in Technical and Operating Guidelines for dSAT Devices Ie-3, referred to in **Annex 3.2**.
13. The threshold values of dSAT-monitored parameters are specified in Technical and Operating Guidelines for dSAT Devices Ie-3.
14. The rolling stock removed from service by dSAT-detected violation of the threshold values shall be eligible for maintenance by its RU.

**Procedure for the Response to Violation of Axle Load Limits, Linear Load Limits (per 1 Track Metre), and Unbalanced Loading of Consignments**

15. If trackside dSAT devices detect that a railway vehicle violates axle load limits, linear load limits (per 1 track metre), and unbalanced loading of consignments, the respective train dispatcher calls the motive unit driver by radiotelephone to explain the violation type and location.

    The traffic dispatcher recommends to continue the run with a reduced speed, which is determined from the “Operating Regulations for dSAT Devices”, to a station of removal from service, where violating railway vehicle must be removed from the train set and stabled (if possible) on a track which is not a mainline, a passing siding or a rampside track for disposal by the RU.
16. Having removed the affected railway vehicle from service, its RU shall prepare it for continued run so that the railway vehicle is no longer in violation of the monitored parameters or, alternatively, performs the procedure of exceptional consignment qualification per the Exceptional Consignment Carriage Instruction Ir-10 (R-57), referred to in **Annex 3.1**. The RU’s personnel member confirms the fact of adjustment of the out-of-service railway vehicle parameters to the permitted line parameters and the intend of releasing the vehicle to carriage service. This confirmation is done as a declaration at the train dispatch-level planning (at the address listed in **Annex 4.3**). The written declaration shall specify the RU’s name, the railway vehicle number, the train number and dates of running, and the RU personnel member’s signature.

**Procedure for Dynamic Overload Detection**

17. Dynamic overload is an additional load of the wheel on the rail. It is generated during the run of the railway vehicle as a result of malfunction in the running gear detected by dSAT devices as a dynamic component of the vertical wheel force applied to the rail. The limit value of the dynamic overloads on ribbon-railed tracks detected by dSAT devices is $Q_{GRAN} \geq 350$ kN.
18. If trackside dSAT devices detect a railway vehicle which violates the dynamic overload limit value, the respective traffic dispatcher calls the motive unit driver by radiotelephone to explain the violation type and location (i.e. the axle number in sequence from the train’s head).

The traffic dispatcher recommends to continue the run with a reduced speed, which is determined from the "Operating Regulations for dSAT Devices", to a station of removal from service, where violating railway vehicle must be removed from the train at the station and left for disposal by the RU.

19. Having removed the affected railway vehicle from service, its RU performs the procedure of exceptional consignment qualification per the Exceptional Consignment Carriage Instruction Ir-10 (R-57), referred to in **Annex 3.1**.
20. If trackside dSAT devices detect violation of the dynamic overload warning threshold, $Q_{OSTR}$ ≥200 kN in a wheel of the passing railway vehicle, the respective traffic dispatcher calls the motive unit driver by radiotelephone to explain the violation type and location, requesting the driver to acknowledge the call with the driver's full name and RU name.

**Procedure for Detection of Pantograph Failure**

21. If a technical facility personnel member or an electric traction unit driver detects defects or failure, the affected electric traction unit driver is communicated via radiotelephone by the respective traffic dispatcher who identifies the failure type and location.

    In this case, the electric traction unit is stopped and its driver shall follow the guidelines specified in the applicable electric traction unit driver's manual.
22. If a traffic dispatcher is called by an electric traction unit driver who reports detected defects or failure of a pantograph, the traffic dispatched follows Rail Transport Severe Accident, Event and Incident Management Instruction Ir-8 referred to **Annex 3.2**.

### 6.3.3.4. International Contingency Management (ICM) on RFCs

1. For railway traffic disturbances with significant international impact, it is required to coordinate ICM International Contingency Management).

   Rail Freight Corridors (RFCs) provide support in ICM operations and communication. The RFCs, in cooperation with IMs, have developed and published documentation of alternative diversionary paths and operational scenarios for ICM.

   The information concerning the ICM on the RFCs which cross the PLK-managed railway network is available in English on the following websites:

   1) **Baltic-Adriatic Rail Freight Corridor 5 (RFC5)**:
      www.rfc5.it, website tab: *Our activities* / *ICM*;
   2) **North Sea-Baltic Rail Freight Corridor 8 (RFC8)**:
      www.rfc8.eu, website tab: *Customer* / *International Contingency Management*;
   3) **Amber Rail Freight Corridor (RFC11)**:
      rfc-amber.eu, website tab: *Downloads* / *Traffic Management*.

2. Refer to the Handbook for International Contingency Management for more information. The Handbook for International Contingency Management is available on the RNE website.
   The Handbook for International Contingency Management specifies the standards to enable freight service by rail on the highest possible level in the event of international disturbances and to ensure clarity of the disturbance status and its effects on the traffic flows to all stakeholders across Europe.

## 6.4. Tools for Train Information and Monitoring

**SEPE: Operating Performance Recording System**

1. PLK keeps records of timetable implementation in SEPE.
   SEPE is a web-based application that enables the completion of tasks related to the planning process, recording of the actual train run times, including the causes of delays, authorisation of completed runs, keeping a register of events, reporting, accounting, and visualisation of the train run in a graphic form.
2. PLK grants to access the SEPE Planning and Authorisation modules to RUs. To access the modules: Planning and Authorisation – the RU submits an electronic application according to the model attached as **Annex 6.7** (hereinafter referred to as "SEPE Application") to the following address:
   **PKP Polskie Linie Kolejowe S.A.**
   **Centrum Zarządzania Ruchem Kolejowym**
   03-734 Warszawa,
   ul. Targowa 74
   e-mail: sepe2info@plk-sa.pl
3. Once access to the above modules has been granted, details on the initial launch are sent to the RU's e-mail address provided in the SEPE Application.
4. The RU is required to log into the system within 3 months of the date of granting access or the last login. After that date, a new SEPE access request must be sent in order to log in.
5. The RU is responsible for keeping the password secure and the data entered into the SEPE System.
6. Information about other SEPE modules, including the terms on which access to them can be granted to the RU, are provided by:
   **PKP Polskie Linie Kolejowe S.A.**
   **Biuro Teleinformatyki**
   03-734 Warszawa,
   ul. Targowa 74
   e-mail: iin@plk-sa.pl

**TIS**

7. TIS is a web application that supports international train management by providing real-time data on international trains. Relevant data is obtained directly from national systems and all information from different IMs can be combined by RUs into a single train journey from initial departure to final destination.
8. Data on international trains from the SEPE system are transferred to the TIS system in the scope of:
   a) RU's name,
   b) national and international train number,
   c) train route,
   d) scheduled and actual hours for the train to run through operational points,
   e) simplified delay codes (according to the UIC standard).
9. Additionally, it is possible to transfer information on domestic trains of a given RU to TIS. The application for the transfer of data on domestic trains to TIS should be submitted to the following address:

   **PKP Polskie Linie Kolejowe S.A.**
   **Centrum Zarządzania Ruchem Kolejowym**
   03-734 Warszawa, ul. Targowa 74
   e-mail: id@plk-sa.pl
10. Additional information is available at http://tis.rne.eu.

# 7. SERVICE FACILITIES

## 7.1. Introduction

The information concerning service facilities, the conditions for access to service facilities, the provision of services therein, and the service facility fees collected are specified in the SIF Regulations available on www.plk-sa.pl, website 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].*

## 7.2. Non-PLK Managed Service Facility Overview

The information concerning the service facilities not managed by PLK and connected to the PLK-managed railway network (including the websites which provide access regulations of the service facilities) is shown in **Annex 2.9**.

Annex 2.9 features the information concerning service facilities sources by PLK or released by the respective service facility operators pursuant to Article 36f(3)(2) of the Act.

## 7.3. Service Facilities Managed by the PLK

### 7.3.1. Common Provisions

1. The capacity allocation of service facilities is governed by the rules established in the SIF Regulations and subchapter 4.2 sections 19 to 30.
2. The applicability and procedure of access to service facilities is shown in subchapters 2.1 and 3 of the SIF Regulations.
3. The details concerning the service facility fees are listed in Chapter 4 of the SIF Regulations. The list of unit rates for the services is shown in Annex 7 to the SIF Regulations.
4. For the service facilities managed by PLK, environmental restrictions apply as established in the principles shown in subchapter 2.4.2 sections 5 to 8.

### 7.3.2. Passenger Stations

PLK does not distinguish passenger stations as service facilities.

### 7.3.3. Freight Terminals and Terminal Load Tracks

The information concerning the service facilities classified as freight terminals and terminal load tracks is shown in subchapter 2.1.4 and 2.2.4 of the SIF Regulations.

The detailed technical conditions for access to terminal load tracks are listed in Annex 5 to the SIF Regulations.

### 7.3.4. Marshalling Yards and Train Formation Facilities, including Shunting Facilities

The information concerning the marshalling yards is shown in subchapter 2.1.2 and 2.2.2 of the SIF Regulations.

The detailed technical conditions for access to marshalling yards are listed in Annex 3 to the SIF Regulations.

### 7.3.5. Storage Sidings

The information concerning the storage sidings and terminal load tracks is shown in subchapter 2.1.3 and 2.2.3 of the SIF Regulations.

The detailed technical data of the storage sidings is shown in Annex 4 to the SIF Regulations.

### 7.3.6. Maintenance Facilities

PLK does not provide maintenance facilities for railway vehicles at its service facilities.

### 7.3.7. Other Technical Facilities

PLK does not provide technical facilities, including cleaning and washing facilities for railway vehicles, at its service facilities.

### 7.3.8. Maritime and Inland Port Facilities

PLK does not provide maritime and inland port facilities at its service facilities.

### 7.3.9. Relief Facilities

PLK does not provide relief facilities at its service facilities.

### 7.3.10. Refuelling Facilities

PLK does not provide refuelling facilities at its service facilities.