

## Rules governing non-allocated capacity auctions

1. The subject of the auction is the amount of the increase of the basic fee for train paths for which it is not possible to meet the requirements defined in the applications submitted due to the overcrowding of the infrastructure section specified in the invitation to participate in the auction, according to specimen No. 1, constituting an annex to these rules.
2. The organizer of the auction is the Railway Traffic Management Centre PLK, which appoints the team to hold non-allocated capacity auctions. The chairperson of the team for holding non-allocated capacity auctions is an employee appointed by the director of the Railway Traffic Management Centre PLK.
3. Duties of the auction holder cover in particular:
  - 1) verification of the presence of interested applicants and the authorizations provided;
  - 2) characterize the situation arising after completion of the co-ordination process on a section of a railway line considered as overfilled;
  - 3) determination of the basic fee increase amount declared by applicants for individual train paths;
  - 4) indication of the order in which applications for capacity allocation for train paths are considered;
  - 5) verification of the annual timetable draft for unallocated capacity, taking into account the new order of processing the applications covered by the auction;
  - 6) determining the amount of the basic fee increase for train paths for which, as a result of the auction, it is possible to limit the derogations from requirements specified in the application in relation to the annual timetable draft;
  - 7) providing applicants with a new proposal for paths requested on an overcrowded infrastructure section, including alternative or variant paths, or refusing to allocate capacity;
  - 8) determination of applicants to whom train paths are allocated to and the amount of the basic fee increase.
4. The applicants interested in using the overcrowded railway infrastructure, who have submitted equivalent requests for train path allocation, under the priorities listed in Paragraph 7 point 7 of the [Regulation](#) are invited to participate in the auction, after the process of coordination of applications for allocation of train paths.
5. The condition for admission of an applicant to the auction is presentation to the auction organizer, prior to the auction commencement, of an authorization to represent the applicant drawn up in accordance with specimen No. 2, constituting an annex to these rules.
6. The auction is held at the place and time specified in the invitation to participate in the auction.
7. The auction is conducted only with the participation of the invited applicants. Written offers will not be considered.
8. The auction involves an oral auction of the amount of the base fee increase for individual train paths, according to submitted applications for capacity allocation subject to auction.

9. The minimum bid amount raise is PLN 10 (excluding VAT).
10. The end of auction is preceded by a three-fold confirmation by the auctioneer of the last raised bid amount for the basic charge for a particular path.
11. The applicant, in case of receiving a new path proposal, referred to in clause 3 pt. 7, within 5 working days of its receipt can withdraw applications for which the annual timetable draft does not meet requirements specified in the application. Lack of withdrawal of applications by the applicant is equivalent to the acceptance of the proposal referred to in para. 3 pt. 7.
12. The auction organizer shall draw up, according to specimen No. 3, constituting an annex to these rules, a report of the course of the auction with the indication of the applicant to whom the free capacity is allocated. The auction report should be signed by representatives of the auction organizer and representatives of the applicants.
13. Auction participants can submit comments on the auction in the auction report.
14. The auction report is passed to all applicants participating in the auction.
15. Complaints concerning the auction should be submitted no later than 3 days after receipt of the auction report to the PLK Rail Traffic Management Centre.
16. The amount of the increase of the basic fee for the passage on the overcrowded railway infrastructure in the period of overcrowding, set under point 11, will be included in the Agreement for use.
17. Additional information about the auction is provided by the auction organiser mentioned in the invitation referred to in point 1.

.....  
(address stamp of PLK organizational unit)

.....  
(place and date)

Auction No.: .....

### INVITATION

**to participate in non-allocated capacity auctions of railway infrastructure  
managed by PKP Polskie Linie Kolejowe S.A.  
as part of the preparation of the train annual timetable 2021/2022**

I would like to inform you that during preparation of the train annual timetable 2021/2022, the overcrowded railway infrastructure was stated, as characterized as follows. In order to allocate train paths using an overcrowded railway infrastructure, it is necessary to carry out auction of the unallocated capacity, referred to in Paragraph 7 clause 11 pt. 4 of the Regulation of the Minister of Infrastructure and Construction of 7<sup>th</sup> April 2017 on access to railway infrastructure (Dz.U. [*Journal of Laws*] of 2017, item 755, with changes).

Therefore, I would like to invite an authorized representative of the applicant to non-allocated capacity auctions, which will be held in accordance with the rules of the auction constituting Annex 8.3 to the Network Statement 2021/2022. In the event that the authorized representative does not arrive, the decision to allocate the train path will be taken without the presence of absent representatives of applicants.

Subject of auction: the amount of the basic fee increase

Overcrowded section: .....

Period of overcrowding: .....

Interested applicants:

No.	Applicant	Application No.
1.		
2.		
3.		
4.		
5.		

PLK organisational unit conducting the auction: Railway Traffic Management Centre

Contact data of the organisational unit conducting the auction:

Phone No.: .....

Fax: .....

E-mail: .....

Place of auction: .....

Date of commencement and foreseen end date of the auction: .....

.....  
(applicant's address stamp)

.....  
(place and date)

### AUTHORIZATION

I hereby authorise Mr./Mrs. ....

holder of .....

to represent ..... (applicant's name)

in a non-allocated capacity auction, referred to in § 7 clause 11 pt. 4 of the Regulation of the Minister of Infrastructure and Construction of 7<sup>th</sup> April 2017 on the provision of railway infrastructure (Dz.U. [*Journal of Laws*] of 2017, item 755, with changes), in the scope regarding invitation to participate in the auction no. .... of ....., and in particular to make decisions on behalf of and for ..... (*the name of the Applicant*) necessary in the above-mentioned proceedings.

Contact details of the applicant's representative:

Address for correspondence: .....

E-mail: .....

Phone No.: .....

.....  
(signature of the person authorized to represent the applicant)

**Non-allocated capacity auction report**

1. On ..... in PKP Polskie Linie Kolejowe S.A. .... (name of the organizational unit and address), according to the invitation to participate in the auction No. .... of ..... an non-allocated capacity auction took place.
2. The auction was attended by the representatives of the applicants, the auction organizer and ..... according to the enclosed list.  
The representative of: ..... did not come to the auction.
3. The chairman of the auction pointed out that the subject of the auction would be the amount of increase in the basic fee for train paths according to the applications submitted in the invitation to participate in the auction with the following characteristics of free capacity subject to bidding:

Period of overcrowding: .....

No.	No. of the line acc. to Id-12 (D-29)	Name of the overcrowded section	First km.	Last km.	Length [km]	From	To
1							
2							

4. Bidding results:
  - 1) On the overcrowded section described in line 1 of the table in point 3 of the report the individual applicants offered the following amounts of the basic fee increase:

1. train path from: .....

No.	Applicant	Amount of increase of basic fee excluding VAT [PLN]	Application No.
1			
2			
3			

5. Train paths were allocated to applicants who offered the highest amounts quoted in point 4.
6. Other auction arrangements: .....
7. This protocol is the basis for preparation of the draft of the 2021/2022 annual train timetable, taking into account the allocated train paths based on result of the auction.

8. Remarks by the auction organizer:  
.....  
.....

9. Remarks by the applicants' representatives:  
.....  
.....

.....  
(signatures of the auction organizer)

.....  
(signatures of applicants' representatives)

Annexes:

1. List of auction participants
2. Authorization of the applicants' representatives

*Annex to the auction protocol*

**List of unallocated capacity auction participants number .....  
carried out on .....**

No.	Name and surname	Entity	Phone no.	Signature
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				