



## **NETWORK STATEMENT**

Conditions for access to railway infrastructure  
managed by "EUROTERMINAL SŁAWKÓW" Sp. z o. o.  
during the course of the working timetable of trains 2018-2019



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## Definitions and abbreviations

1. **the Applicant** - rail Operator, international economic interest grouping covering rail Operators or other entity interested in obtaining capacity, in particular, the organizer of the public rail transport, freight forwarder, shipper or combined transport operator.
2. **Security authorization** - a document proving that the infrastructure Administrator established a safety management system and that it is able to meet the requirements necessary for the safe design, operation and maintenance of railway infrastructure.
3. **Siding** - a railway designated by the infrastructure Administrator connected directly or indirectly with a railway route used to perform load operations, maintenance or stops of railway vehicles or to join railway vehicles to a railway network.
4. **Safety certificate** - proof that the rail Operator has approved safety management system and that it is able to meet security requirements.
5. **Railway** - a railway track or railway tracks together with elements listed in paragraph 2 - 12 of annex 1 to this Act, provided that they are functionally linked, regardless of whether they are managed by the same entity.
6. **"Slavkov Euroterminal" or "Administrator"** - "EUROTERMINAL SŁAWKÓW" Sp. z o. o. with its registered office in Sławków.
7. **Incident** - an occurrence, other than accident or serious accident, associated with the movement of trains and affecting its security.
8. **Rail infrastructure** - elements set out in annex 1 to the law on rail transport.
9. **Private infrastructure** - rail infrastructure used solely for the own needs of its owner or its Administrator, other than carriage of passengers.
10. **Railway route** - a railway determined by Administrator's infrastructure designed to run trains.
11. **National Register of Infrastructure (NRI)** - a register of railway infrastructure, as well as railway sidings operated on the territory of Poland.
12. **Shunt** - an intended movement of the railway vehicle or trains and related activities on the railway, with the exception of the entry, exit and passage of the train.
13. **Service infrastructure facility** – a building with ground which it is located on, and installations and devices, designed in whole or in part to provide one or more of the services referred to in paragraph 1, 2 and 3 of Annex No 2 to the Act.
14. **Railway area** – area of land divided into parcels numbers with railway, buildings, structures and equipment intended to manage, operate and maintain a railway route and to transport people and things.
15. **Service infrastructure facility operator** - an entity that manages the service infrastructure facility or provides services for the benefit of railway Operators for at least one of the services referred to in paragraph 2 and 3 of Annex No 2 to the Act on rail transport.
16. **PKP PLK** – PKP Polskie Linie Kolejowe S.A. with its registered office in Warsaw.
17. **Train** - a rail vehicle or vehicles that meet the requirements specified for a train and which received the status of the train from infrastructure administrator.
18. **Train - kilometers** – meter of performance corresponding to the transit of one train or shunt railway vehicle at a distance of one kilometer.
19. **Railway vehicle** - a vehicle adapted to move around on its own wheels on railway tracks with the drive or without it.
20. **Serious accident** - each accident caused by collision, derailment of a train or any other similar event which has an obvious impact on railway safety regulation or security management:



- a) with at least one fatal victim or at least five seriously wounded people, or
- b) causing significant destruction of a railway vehicle, railway infrastructure or the environment, that can immediately be assessed by the Commission studying the accident to be worth at least 2 million euros.

21. **Employees of the Operator** - Operator's employees and other persons it uses in order to perform the agreement regarding access to the railway infrastructure.
22. **Employees of the infrastructure administrator** - Infrastructure administrator's employees and other persons it uses in order to perform the agreement for access to the railway infrastructure.
23. **Operator** – an entrepreneur entitled on the basis of the license to carry out railway transport or provide traction services.
24. **Network terms and conditions** – a document that sets out the rule of provision of the managed infrastructure and service infrastructure facilities connected to Administrator's rail network, in particular the mode of submission and processing of applications for the allocation of capacity, the characteristics of the provided railway infrastructure and information about the conditions of access to it, price list, terms of use of shared infrastructure, range of services related to provision of rail infrastructure and the conditions under which they are provided.
25. **Terms and conditions of access to services infrastructure facility** - a document developed by the facility operator which specifies the facilities that it concerns and their types, the scope of access to them which the operator is responsible for, the procedure of sharing the facilities, including the deadline for submission, and the scope of information which a request for access to the facility referred to in Article 36B, paragraph 1 of the law on rail transport should include, specific technical conditions of access to facilities, fees.
26. **PLK terms and conditions** -PKP Polskie Linie Kolejowe S.A. 2017/2018 network terms and conditions are available at [www.plk-sa.pl](http://www.plk-sa.pl).
27. **Train timetable (TT)** - a plan of train passages on a given rail network or its part at the time in which it is valid.
28. **AT or "Annual Timetable"** – an annual train timetable - train timetable valid between two successive changes in train timetable taking place at midnight on the second Saturday of December.
29. **IT or "Individual Timetable"** -an individual train timetable - train timetable developed on the basis of an application for the allocation of new capacity during the period of IT validity.
30. **ST or "Simplified timetable"** – train timetable developed on the basis of an application for train route allocation submitted later than 5 days before the scheduled launch of the train.
31. **Regulation** - regulation of the Minister of Infrastructure and Construction of 7 April 2017 on the provision of railway infrastructure.
32. **Rail network** - a system of interconnected rail roads managed by the Infrastructure Administrator.
33. **Emergency situation** - a sudden event that occurred regardless of the will of the Parties which prevents the performance of the agreement, in whole or in part, which could not be foreseen or prevented.
34. **Safety certificate** -a document confirming the ability of safe railway traffic management and the operation of railway carriage issued for entities that are exempt from obtaining a safety certificate and authorization of safety.
35. **Directory route** - initial train path based on the repeated demand for capacity for IT applications.
36. **Train route** - capacity reserved for the train passage.
37. **The contract for use** - a written agreement for the use of the allocated capacity and access to services provided in services infrastructure, including declarations of intent of the parties, concluded between the Administrator and the Operator.
38. **Assignment agreement** - agreement for the allocation of capacity between the the Administrator and the Applicant.
39. **Act** - the Act of 28 March 2003 on railway transport.
40. **Accident** - unintended sudden event or a string of such events with the participation of the railway vehicle causing negative consequences for human health, property or the environment, including in particular: collisions,



derailments, occurrences on passes, occurrences with the participation of the people caused by a moving railway vehicle, fire of railway vehicle.

41. **Administrator** – "EUROTERMINAL SŁAWKÓW" sp. z o. o. with its registered office in Sławków.

42. **Occurrence** - an accident, a serious accident or incident on railway routes.

43. **Capacity** - an operational and motion capacity of a rail road for the trains to pass or shunt in the specified time.



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**§ 1. Basic information about the Administrator**

1. The provided railway infrastructure is administered by "EUROTERMINAL SŁAWKÓW" Sp. z o. o.
2. Data on economic activity:

**The District Court in Katowice - Wschód in Katowice, 8th Commercial Department of the National Court Register,**

The National Court Registry Number: **0000353127**

Tax Identification Number: **6252413963**

Company Register Number (REGON): **241546838**

Share capital: **PLN 182,479,000**

3. The Administrator has the Security Authorization PLP 2120150006, issued by the President of the Rail Transport Office on 23 December 2015 valid until 13 July 2019 in terms of the proper maintenance of the railway infrastructure and safe rail traffic management.

4. Contact details

„EUROTERMINAL SŁAWKÓW” Sp. z o.o.

41 – 260 Sławków, ul. Groniec 1

Silesian province

website: [www.euterminal.pl](http://www.euterminal.pl)

5. **Telephones:**

**Secretariat:**

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**The on-call train dispatcher "EUROTERMINAL SŁAWKÓW" Sp. z o. o.:**

tel.: +48 32 /714 24 42

mobile: +48 603 833 009

e-mail: [dyzurny@euterminal.pl](mailto:dyzurny@euterminal.pl)





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§ 2. How to obtain a license referred to in Article 43 of the Act and a security certificate referred to in Article 18b of the Act,

1. The railway infrastructure managed by "EUROTERMINAL SŁAWKÓW" Sp. z o.o. can be used by a Carrier under following conditions:
  - 1) submission of a certified copy of a valid license referred to in Article 43 of the Act;
  - 2) submission of a certified copy of a valid safety certificate referred to in Article 17e, paragraph 1 of the Act, or a certified copy of a valid safety certificate referred to in Article 17e, paragraph 3 of the Act;
  - 3) submission of a declaration that the Operator will use a rolling stock that satisfies the conditions set out in the regulations issued under Art. 20 of the Act;
  - 4) submission of a declaration that the Operator shall immediately inform about the changes, suspension or withdrawal of the license or certificate or the safety;
  - 5) signing of the Contract for use with the Administrator.
2. Free information in electronic form about how to obtain a license referred to in Article 43 of the Act and safety certificates referred to in Article 18b of the Act is available on the Office of Rail Transport' website:
  - 1) For licensing: <https://utk.gov.pl/pl/uslugi/przewoznicy/uslugi-dla-przewoznikow/licencja-przewoznika/12409,Udzielenie-licencji-przewoznika-kolejowego.html>
  - 2) For safety certificates: <https://utk.gov.pl/pl/uslugi/przewoznicy/uslugi-dla-przewoznikow/11082,Wydanie-certyfikatu-bezpieczenstwa-w-czesci-A.html>



### § 3. Characteristics of provided infrastructure

#### 1. A list of available routes.

Route no.	Route name	Route start			Route end			Departs from the route		Route category*	Route class	Permissible axle load [kN]	Permissible speed in km/h
		Name	km	type	Name	km	type	#	km				
665	SOSNOWIEC MACZKI – EUROTERMINAL SŁAWKÓW	SOSNOWIEC MACZKI	0.000	R 3	SŁAWKÓW EUROTERMINAL	5.500	ko	133	12.751	Secondary	4	22.5 Mg (221kN/SC)	30

\* An Administrator's line category was established on the basis of the parameters indicated in the Regulation of the Minister of Transport and Maritime Economy on technical conditions which railway buildings and their location should meet.

- The line owned by "EUROTERMINAL SŁAWKÓW" is on its entire length a secondary category line within the meaning of the Regulation of the Minister of Transport and Maritime Economy on the technical conditions which railway buildings and their location should meet and it is not divided into sections.
- Permissible technical speed on the route managed by "EUROTERMINAL SŁAWKÓW" is 30 km/h on route no. 665.
- A permissible axle load of each railway vehicle operated on the route, managed by "EUROTERMINAL SŁAWKÓW" is 221 kN on line no. 665.
- In order to determine average daily traffic, the load with passes is 14 trains/day.



**§ 4. The list of expeditionary points, their location in relation to railways and their characteristics, in particular the length of active platform and loading edges, their height and access track parameters.**

1) The list of expeditionary points managed by the Administrator

Route no.	Route km.	Station name	Post name	Active	Number of in and out tracks	Access to the supply of fuel
665	3.380	Sławków Euroterminal	"CSR" setting post	24 hours a day	8	None

2) The list of available tracks along with the technical parameters and services infrastructure facilities (loading and unloading, assembly works, warehouses, container board, parking tracks) available on particular tracks is contained in Annex No 1.

**§ 5. The list of intersection points between rail infrastructure of other Administrators**

1. Intersection points of "EUROTERMINAL SŁAWKÓW" railway infrastructure.

- 1.1. Route no. 665 begins at junction no. 3 of Sosnowiec Maczki station (PKP PLK SA)- km. 0.000 of route no. 665; branches off from on route no. 133 Dąbrowa Górnicza Ząbkowice-Kraków on km 12.751, contact point 17. meter of route no. 665.
- 1.2. Intersection point with Medyka Sławków Transshipment Terminals - 103.9 m from junction no. 121ab towards the siding (the beginning of the siding is a point behind the rail-road passage cat. D).
- 1.3. The intersection point with AmeriGas sp. z o. o. siding is on track no. 21 at Wk21 derail location.
- 1.4. Annex 2a shows the schematic plan of the network, Annex 2b shows intersection points of "EUROTERMINAL SŁAWKÓW" Sp. z o. o. with neighbouring Administrators: PKP PLK SA on the track of 1435 mm clearance and PKP LHS sp. z o.o. on the track of 1520 mm clearance.

**§ 6. Website address with infrastructure register**

The essential elements of railway infrastructure are described in the National Register of Infrastructure (RINF) kept by the President of the Office of Rail Transport in an electronic form which is available to authorized users at <https://rinf.utk.gov.pl>. You can learn how to obtain authorization from: <https://utk.gov.pl/pl/rejstry/rinf/12038,RINF-PL.html>



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**§ 7. Restrictions on the use of railway infrastructure, including the implementation of tasks in the scope referred to in Article 5, paragraph 1, point 4 of the Act and a list of the routes referred to in Article 29b**

1. When using the provided infrastructure, the following may occur:
  - 1) sudden movement restrictions affecting the scheduled execution of passes, as a result of damage to technical elements of the railway;
  - 2) occurrences, which the Administrator knew would happen, but could not prevent them, for example, strike, passage lockout, demonstrations;
  - 3) prevention of passing or stopping of Operator's railway vehicle as a result of failure to comply with requirements by the railway vehicle or persons operating it laid down in the contract for use, Act and executive regulation pursuant to this Act and requirements posed by the Administrator in its internal provisions;
  - 4) movement restrictions that affect the scheduled journeys, resulting from emergency situations and other, that the Administrator did not know about, or caused by sudden weather changes;
  - 5) reduced mobility in case of security threats or traffic related to State security and defence;
  - 6) planned or unplanned maintenance, construction or modernization of railway infrastructure.
2. The Administrator's dispatcher shall immediately notify of the occurrence of the situation referred to in paragraph 1. 1 the following persons:
  - 1) The Applicant which has concluded the agreement for the allocation;
  - 2) The Operator which has concluded the contract for use of railway infrastructure which the situation referred to in paragraph 1. 1 concerns.
3. It is permitted to use phone or email to notify of changes resulting from the sudden need to introduce operational constraints relating to:
  - 1) technical and operational parameters which the transit follows, including limitations related to robots, operating restrictions introduced;
  - 2) rail traffic control and connectivity devices operation.
4. The Administrator shall inform of any restrictions in access to railway infrastructure resulting from the technical condition or renovations also on its website.
5. Where the Administrator will plan, within the timetable, to perform any repairs on the infrastructure, it shall, at least 2 weeks before the start of the timetable of trains, make available on its website a schedule of the planned repairs indicating the scope of the repair and the period when they will be carried out.
6. On the basis of the annual technical efficiency status protocol for Euroterminal Sławków, the Wealth Management and Investment Department shall develop a project schedule referred to in point 5 above. The schedule will be made available on Administrator's website.
7. If the Administrator does not plan any maintenance during the period of the timetable, the schedule referred to in paragraph 5 above, will not be drawn up and posted on the website.



8. Any changes to the schedule referred to in point 5 above, to be made within the period of validity of the timetable, which it applies, will be posted on Administrator’s website, and the Operators which the Administrator has entered into an Agreement with, shall be informed about these the changes in writing or by electronic mail to the addresses provided in the agreements with the Operators.
9. Under Article 174, paragraph 1 of the Act of 27 April 2001 on Environment Protection, the use of Administrator’s railway lines must not result in exceeding the standards of environmental protection, including, in particular, by emissions of hazardous substances to water, land or air.
10. The Administrator has not distinguished preferential railway routes referred to in Article 29b of the Act.

#### **§ 8. Specific technical and organizational requirements for the use of railway infrastructure provided by the Administrator**

1. Information about the technical and operating parameters of the infrastructure managed by the Administrator are contained in the Technical Terms and Conditions of a station. Detailed information about a railway route managed by the Administrator shall be provided by Administrator’s Dispatcher, tel: 32 7142464, e-mail [dyspozytor@euterminal.pl](mailto:dyspozytor@euterminal.pl)
2. Other requirements arising out of the specificity of use of allocated routes.
  - 2.1. The Administrator shall ensure the transportation of Operator’s ordinary parcels, emergency and hazardous goods consignments.
  - 2.2. The Operator shall submit an application for the carriage of extraordinary or emergency foods shipment to PKP PLK SA which organizes transits on routes to and beyond the intersection point of a route that belongs to the Administrator. The application shall be submitted in accordance with the provisions of PLK Terms and Conditions, which contains an application form together with the instructions.
  - 2.3. Operator’s employees are required to know the " ESr-10 Instructions of extraordinary consignments carriage" in case of extraordinary consignments and adhere to their provisions.
  - 2.4. Operator’s employees involved in the carriage of hazardous goods must know "ESn-1 Instructions of hazardous goods carriage by rail" and strictly adhere to their provisions.

#### **§ 9. Detailed specification of the services provided within the provision of railway infrastructure and the conditions under which it is provided**

1. The use of rail roads must not violate the safety of the rail traffic, safe transport of things and environment protection and the preservation of historical monuments.
2. The Administrator provides the railway infrastructure to Operators in accordance with the allocated capacity, in accordance with the terms and conditions of the traffic on the railway infrastructure as defined by Regulation of the Minister of Infrastructure of 18 July 2005 on the General conditions for the conduct of rail traffic and signaling, and Administrator’s internal rules.



3. The range of services provided includes basic services resulting from transit in TT and services under the minimum access to railway infrastructure, related to shunts and extra services performed.
4. Services provided to Operators under the minimum access to the railway infrastructure:
  - 1) support of the application for the allocation of capacity submitted to PKP PLK for a part of railway infrastructure owned by the Administrator on railways intersection, at the junction between Administrator's infrastructure and PKP PLK (Sosnowiec Maczki – Sławków Euroterminal route no. 665);
  - 2) provision of railway infrastructure, including switches and junctions within the allocated capacity;
  - 3) rail traffic control and the provision of information on train traffic;
  - 4) provision of information required to introduce or carry out transport operations which the capacity has been granted for.
5. Services provided in service infrastructure facilities on the principles set out separately in the statutes and terms and conditions regarding access to these objects.
6. Services that can be provided to Operators:
  - 1) shunting;
  - 2) other services are provided to support the devices (car weighs)
  - 3) services provided on the basis of contracts customized for Operator's individual needs regarding transfer of information and observation of a train with a shipment containing hazardous goods and supervision of emergency shipments;
  - 4) provision of supplementary information;
  - 5) other services commissioned by the Operator.
7. The railway infrastructure under the minimum access shall be provided under the condition that the Operator concludes a contract for use with the Administrator. The Administrator shall present the Operator indicated by the Applicant with a draft contract for use within a period to be agreed with the Applicant.

## **§ 10. Requirements and conditions for rolling stock, personnel and carriage organization**

1. Requirements for personnel
  - 1.1. All Operators' employees taking part in the use of the railway infrastructure must be familiar with the internal rules of the Administrator and strictly adhere to these rules.
  - 1.2. Operator's employees who perform activities directly related to rail traffic management and railway vehicles drivers must meet the conditions laid down in the Act and the respective executive Acts issued on its basis.
  - 1.3. During the execution of tasks under the Agreement, Operator's employees must have a personal permit entry to enter Administrator's railway area, the current train timetable and documents and tools listed in the agreement between the Administrator and the Operator.



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2. The Administrator, upon Operator’s request, shall issue personal permits to enter the whole or specific area of Administrator’s rail infrastructure for Operator’s employees so that they can carry out activities related to the implementation of the agreement.
    - 2.1. The permits referred to above are valid along with Operator’s employee identity document with a photograph.
    - 2.2. The permit referred to above shall be issued by the Administrator for a fee, for a period of one year, with the possibility of extension. For the issue of a permit referred to in paragraph 1 and for the issue of a duplicate, as well as for the issue of the extensions, a issuing fee of 4.60 PLN shall apply for each document.
    - 2.3. Applications for permits issue must contain:
      - 1) Name and surname together with ID series and number and job position of a person whom the document is to be issued for
      - 2) the railway area which the application concerns;
      - 3) When applying for the permit to enter Administrator’s areas for a period of less than 1 year or when applying for an extension, it is necessary to indicate the term for which it is to be issued/renewed.
  3. Requirements for rolling stock and rail vehicles.
    - 3.1. Operator’s trains must meet technical conditions set out in provisions issued under the Act, in particular in the Regulation of the Minister of Infrastructure of 12<sup>th</sup> October 2005 on general conditions of trains use.
    - 3.2. Operators’ railway vehicles should have relevant documents in accordance with the regulation of the Minister of Transport of November 2, 2006 on the documents that should be present in a railway vehicle (Journal of Laws No. 9 of 2007, item. 63).
    - 3.3. Each rail vehicle should have a technical performance certificate issued by the Operator in accordance with the Regulation of the Minister of Infrastructure of 15<sup>th</sup> February 2005 on technical performance certificates of rail vehicles confirming that the vehicle is operative.

Goods wagons for which an entity responsible for rail vehicle maintenance (ECM) with regards to goods wagons issued an assurance confirming vehicle’s acceptance to use or its reintroduction to use specified in Article 3, paragraph 2, letter f and g of the EU Regulation no. 445/2011 do not require to have technical performance certificate.
    - 3.4. The transfer of rolling stock by the Operator to Administrator’s disposal, in particular, for its moving or unloading/loading, does not mean the transfer of responsibility for the technical efficiency (condition) of the rolling stock to the Administrator; the responsibility remains with the Operator. The Administrator shall responsible, however, for any damages caused by its exclusive fault in its rolling stock.
  4. Requirements for special rolling stock.

Marking of a special rolling stock should be in accordance with regulations issued under the Act.
  5. Requirements in terms of automation and telecommunications.
    - 5.1. Traction vehicles (including self-propelled track machines) must be equipped with radiotelephony devices which enable communication with the dispatcher.



5.2. Radiotelephony devices must comply with the requirements set out in the Act of 16 July 2004, Telecommunication Law (Journal of Laws of 2016, item. 1489, as amended).

5.3. Wheelsets of rolling stock must provide electrical short-circuiting of rails coupling - wheelset resistance cannot be greater than 50 mΩ.

5.4. Suspension elements of Operator's railway vehicles:

- 1) they should ensure the possibility of cooperation with track vacancy control devices and switches used on Administrator's railway network;
- 2) they can not produce distortions that prevent the proper operation of rail traffic control devices and radio devices (also on the rail vehicle).

6. Requirements for radiotelephone network

6.1. In order to work in radiotelephony train or shunt network, radiotelephony devices must meet the following requirements:

- 1) Present current document or mark confirming device' compliance with provisions of the Act of 16<sup>th</sup> July 2004 Telecommunications Law
- 2) they must have a current certificate of release to service issued by the President of the Office of Rail Transport (Head Railway Inspector);
- 3) they must possess current radio authorization (approval) issued by the competent authority;
- 4) they must work with devices used in Administrator's Radiotelephone Networks;
- 5) they must not cause interference with radiotelephone network operated across Administrator's rail area.

6.2. The devices operating in radiotelephony rail and shunt network must not be made available for the use of other users unauthorized to work in these networks.

7. Requirements for the carriage organization.

7.1. By the conclusion of the contract for use, the Operator acquires the right to use the capacity allocated to the Applicant and it obliges to comply with the principles of organization of railway traffic on the provided railway infrastructure contained in the internal rules and regulations.

7.2. Before running the shunt drive, the Operator is obliged to provide information regarding the mass of the rolled stock and estimated time of maneuvers completion. Confirmation that the shunts have been completed is synonymous with the release of capacity.

**§ 10a. The information that the Operator is obliged to provide to the Administrator before, during, and after the end of the train transit**

1. Before, during, and after the end of the train transit, the Operator is obliged to provide the Administrator with any information related to the implementation and safety of the transit (information about events relevant to the safety and continuity of traffic management, especially the safety of people and property, including events on the railway route), in particular the information referred to in these terms and conditions, and information about





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the readiness or its lack to carry out shunting of wagons provided to/from loading points. How to communicate the information shall be set out in the Contract for use.

2. The readiness of Operator's train to departure takes place according to the "ESr-1 Instructions on train traffic management".
3. The request is made using train radio devices by providing:
  - 1) train number;
  - 2) type of cargo (applies to the transportation of hazardous materials);
  - 3) driver's name, number and series of traction vehicle;
  - 4) gross weight of the train;
  - 5) the length of the train.
4. The notification of the readiness for departure is recorded by the dispatcher in a telephone log together with information reported by the driver.
5. Driver's report confirmed by dispatcher by reporting:
  - 1) the name of the Operator;
  - 2) carriage route;
  - 3) the type of load (applies to the transportation of hazardous materials);
  - 4) the names of the dispatcher;
  - 5) the time when the report was accepted;
  - 6) the number under which the report was registered in the official telephone log.
6. Notification of readiness for departure shall be deemed as made in time that commits the Administrator to complete the journey in accordance with the contract in case it is made before the scheduled departure of the train in time that allows the train to depart on time.
7. Authorized employee of the Operator (the driver or any other employee designated in technical regulations) should inform the dispatcher of any deviations from the parameters set out in the train timetable. In particular, the notice should specify the nature and cause of the resulting obstacles and specify the expected delay. Before the train departs, the dispatcher should pass the necessary the train driver all necessary, current information, commands or permissions.
8. If with the time limit for notification of the readiness for the departure of the train is not met according to the principles described above, the Operator shall not be entitled to any claims concerning punctuality to the Administrator.
9. The Operator for locomotives in bulk, trains for loading and trains for traveling shall compile a "list of railway vehicles the train is composed of" which will provide the basis to financial settlements between the parties of the agreement. Operator's rail team is obliged each time to pass the required documents from the dispatcher to the Administrator.
10. The Administrator has the right to request other information from the Operator, as long as they are significant for the proper use of the infrastructure or the settlement of Administrator's remuneration and the Operator is obliged to provide them.
11. Rules for notifications:



- 1) in cases of events relevant to the safety and continuity of traffic management, as well as the safety of people and property, including in railway accidents, the following entities shall be notified respectively:
    - a) on Administrator’s part - dispatcher of signal box with CSR;
    - b) on Operator’s part - cell/people/positions listed in the Agreement;
  - 2) in cases of notification of disruptions in the implementation of the timetable, the persons or positions notifying or receiving this information are specified in the Contract for Use;
  - 3) in other cases, the notifications and provision of information relating to the implementation of the Contract for Use:
    - a) on Administrator’s part - cells/people/positions listed in the Contract for Use;
    - b) on Operator’s part - cells/people/positions listed in the Contract for Use;
10. Documentation confirming the fact of the notification and its content is stored for a period of 5 years.
11. The Operator and the Administrator are required, under the provisions of 2004/49/EC Directive of the European Parliament and Council, executive Regulation of the Commission (EU) no 402/2013 of 30 April 2013 on a common methodology for assessing the safety for valuation and risk assessment and repealing Regulation (EC) no 352/2009 and Commission Regulations (EU) of 16 November 2012, no.1078/2012 on the common methods for safety assessment with respect to monitoring, participation in the process of risk management and mutual provision of information relevant for safety.

#### **§ 10b. How to carry powdered materials to prevent their dusting**

1. Powdered materials carriage requires wagons of appropriate type (series) in accordance with their intended purpose with sealed boxes to prevent them from pouring out on the railway.
2. When carrying loose materials (0-10 granulate) in open wagons, the load besides the even allocation of the dispatch on loading surface, must not overhang from the wagon
3. The Operator shall be responsible for securing the load.

#### **§ 11. The internal rules of the Administrator which apply to the Applicant and the Operator during the preparation and working timetable trains**

1. The list of Administrator’s internal rules governing trains traffic on a managed infrastructure:
  - 1) Instructions for trains traffic management "ESr-1";
  - 2) Instructions concerning shunting technique and methods of proper compilation and distribution of a rolling stock on the train "ESr-2";
  - 3) Instructions how to proceed in major accidents, railroad accidents and incidents "ESr-8";
  - 4) Statement of organization and conduct for the carriage of shipments of emergency "ESr-10";



- 5) Instructions from rail signaling "ESe-1";
  - 6) Instructions how to use radio system "ESl-1";
  - 7) Instructions how to proceed with rail carriage of hazardous goods "ESn-1";
  - 8) Technical regulations regarding stations to the extent necessary to manage rail traffic securely;
  - 9) PKP PLK Instructions regarding train traffic management Ir-1 the train traffic on the single-rail Sosnowiec Maczki – Euroterminal Sławków route no. 665 , without line interlock, is run based on telephone notification of trains in accordance with the provisions of PKP PLK instructions: Instructions regarding train traffic management Ir-1.
2. Operator’s employees must know and observe the provisions of the documents listed in paragraph 1 to ensure the safe management of railway traffic.
  3. Before performing the carriage, the Operator shall ask the Administrator in writing to provide the requested extracts from the instructions/regulations which the Administrator agrees to immediately pass to the Operator in electronic or written form. The Administrator shall inform the Operators about the changes to instructions/regulations, with the exception of instructions indicated in point 1.9 above, within 14 days prior to their entry into force.
  4. All Operator’s employees taking part in the process of use of railway infrastructure must confirm in writing that they know the technical regulations and instructions referred to in paragraph 1. 1 to the extent necessary for safe operation of Administrator’s railway infrastructure.

**§ 12. The mode of submission and examination of applications referred to in § 4, paragraph 2-4 of the Regulation, taking account of the treatment of freight services, international freight services and applications for allocation of train train under an individual train timetable**

Transits carried out on the railway route managed by "EUROTERMINAL SŁAWKÓW" to and beyond the intersection point with PKP PLK route shall be organized by PKP PLK according to the rules and conditions laid down in PLK terms and condition. Trains from the Sławków Euroterminal station via intersection point with PKP PLK (Sosnowiec Maczki) and from the intersection point with PKP PLK (Sosnowiec Maczki) to Sławków Euroterminal are transferred based on train timetable drawn up by PKP PLK.

**§ 12a Applications form indicating the information which is mandatory to provide**

1. In order to obtain the capacity for a train on Sosnowiec Maczki - Sławków Euroterminal route within the timetable (including an Individual Timetable and Simplified Timetable), the interested Applicant shall submit an application for a route to PKP PLK in accordance with the provisions of the rules of PLK terms and conditions which include an application form for allocation of train route together with the instructions how to fill it (available at [www.plk-sa.pl](http://www.plk-sa.pl)). The deadline for submission of applications is specified in PLK terms and conditions.



2. In order to obtain the capacity to perform shunts or capacity to make stops of railway vehicles, the interested Applicant shall submit an application to "Euroterminal Sławków" in electronic form to the following address [dyspozytor@euterminial.pl](mailto:dyspozytor@euterminial.pl).
3. The application for the allocation of capacity to perform shunts must include the following information:
  - 1) the aim of the shunts;
  - 2) the place where shunts are performed – specify services infrastructure facility or siding adjacent to Administrator’s infrastructure;
  - 3) the type of shunting vehicles;
  - 4) gross mass of the train/railway vehicles;
  - 5) deadline for shunts performance;
  - 6) the number of wagons.
- 3.1. The application for the allocation of capacity to make stops of rail vehicles must include the following information:
  - 1) parking spot for railway vehicles;
  - 2) maximum length of railway vehicles;
  - 3) parking time for railway vehicles;
- 3.2. The application form for the allocation of capacity to perform shunts or to make stops of railway vehicles are defined in annex 6 to the Terms and Conditions.

**§12b. Information, whether in respect of applications referred to in Article 30, paragraph 10 of the Act, the Administrator shall draw up a simplified train timetable**

In accordance with the agreement between Administrators on cooperation in the field of railways connection concluded between "Euroterminal Sławków" and PKP PLK, PKP PLK develops multi-network train routes under TT, IT, ST and directory routes managed by PKP PLK and on the route managed by "Euroterminal Sławków" no. 665 (Sosnowiec Maczki -Euroterminal Sławków). Information on the development of simplified timetables are set out in PLK Terms and Conditions.

**§12 c. Procedures according to which Applicants can submit applications, including information about the financial guarantees referred to in Article 29d, paragraph 3 of the Act, and how to share information about the database of traction vehicles for which the Administrator has the traction characteristics**

1. The procedure which Applicants can follow to submit their applications.
  - 1.1. Applications referred to in §12a can be submitted only an Applicant which has entered into an agreement for the allocation with the Administrator.
  - 1.2. The interested Applicant shall submit applications according to the procedure set out in § 12a of the Terms and Conditions.
  - 1.3. PLK Terms and Conditions specify the cases in which a change in gross weight of a train or a traction vehicle in relation to the information contained in the application for



- allocation of a train route does not require submission of the application for modification of the allocated train route.
- 1.4. The application for the allocation of capacity to perform shunts shall be processed within four hours from the date of receipt to Administrator's Dispatch Office.
  - 1.5. The application for the allocation of capacity to makes stops of railway vehicles shall be processed within four hours from the date of receipt to Administrator's Dispatch Office
  - 1.6. The applicant may not apply for the allocation of capacity for different types of capacity, if they are not related to the successive activities performed with railway vehicles.
  - 1.7. In emergency situations, the applications for the allocation of capacity in order to make shunts or stops can be made by phone to Administrator's Dispatch Office. Applications submitted in this mode should include all data indicated in the annex No 6 to the Regulation for a given type of capacity. The Administrator may make the examination of the application dependent on the submission of the application in electronic form or presentation of documents specified by the Administrator within the date indicated by the Administrator.
  - 1.8. The application for the allocation of capacity to perform shunts and the application for the allocation of capacity to park railway vehicles shall be considered if they were submitted no later than four hours before the scheduled date of the capacity allocation.
  - 1.9. The moment of submission of the request sent via e-mail is the moment when e-mail message that contains the request was introduced to electronic means of communication in such a way that the Administrator is able to learn its content.
  - 1.10. The Administrator shall confirm that the application was received in electronic form.
  - 1.11. The Administrator shall return the applications which do not conform to the requirements specified in § 6, paragraphs 1 and 2 of the Regulation, to the Applicant indicating the reason for return. In the case of applications that do not satisfy the requirements specified in § 6, paragraph 3 of the Regulation or other deficiencies in relation to the legal requirements of the Terms and Conditions, the Administrator shall ask the Applicant to complete the application within 5 working days.
  - 1.12. The administrator shall notify the Applicant in electronic form (e-mail) if their application was approved or not.
  - 1.13. The Administrator may make examination of the application dependent on amendments introduced by the Applicant that would enable its examination.
  - 1.14. The Administrator is entitled to request, and the Applicant is required to submit any other information or documents necessary to examine the application. If the Applicant fails to serve them within the time limit indicated by the Administrator, the Administrator may not take the application into account and the Applicant shall be promptly informed of the fact.
  - 1.15. The examination shall be examined taking into account the term of capacity allocation and the order of applications receipts.
  - 1.16. Due to the short period of examination of applications for the allocation of capacity to perform shunts and in order to park railway vehicles, the Administrator does not provide for the possibility of modification of the allocated capacity within this range.



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- 1.17. The allocation of infrastructure capacity specifies the period of time reserved for the Applicant in order to enable to shunt or park railway vehicles.
  - 1.18. The allocation of capacity to perform shunts requires determination of the period necessary for the implementation of loading operations at Administrator's service infrastructure facility .
  2. The abandonment of the allocated capacity
    - 2.1. The Applicant has the right to resign from the allocated train route. The Administrator shall charge a reservation fee from the Applicant for non-utilisation of the allocated capacity, if the Applicant does not indicate the Operator that is to use the allocated capacity, or the Operator indicated by the applicant does not conclude the Contract for Use with the Administrator. The Administrator shall charge a reservation fee on the principles set out in annex 4.
    - 2.2. If a Operator does not use the whole or part of the train route allocated within the timetable for reasons beyond Administrator's control, the latter shall charge a reservation fee from the Operator respectively for all the unused route or for any unused portion of the allocated route on principles set out in annex 4.
    - 2.3. The moment of resignation shall be deemed to be the date, time and minute of the receipt of a valid application by the Administrator. The Administrator shall acknowledge the receipt of the resignation.
    - 2.4. Provision of inaccurate data in the application for the abandonment of the allocated capacity results in a refusal to accept it.
    - 2.5. The Operator shall notify of the resignation of the allocated capacity to shunt or park a rail vehicle to the following address: [dyspozytor@euterminal.pl](mailto:dyspozytor@euterminal.pl).
    - 2.6. The Operator shall notify PKP PLK of the resignation of allocated train route to transit on the principles set out in PLK Terms and Conditions.
  3. Financial guarantees
    - 3.1. The Administrator may require from the Applicant which submits the request for the allocation of infrastructure capacity or the Operator which concludes the agreement for use, to present a financial guarantee referred to in the Commission implementing Regulation (EU) 2015/10 of 6 January 2015 on the criteria for applicants submitting applications for railway infrastructure capacity and repealing Commission's implementing Regulation (EU) no 870/2014.
    - 3.2. The financial guarantee may be submitted only in the form of:
      - 1) advance payment (deposits) aiming to reduce and regulate in advance future commitments to payment of fees for services provided under the minimum access to the railway infrastructure;
      - 2) guarantee of financial institutions that shall undertake to settle these obligations when they become due. Only guarantees issued by banks and insurance companies with their registered office or branch on the territory of Poland shall be accepted.
    - 3.3. The choice of financial guarantee form is up to the Applicant or the Operator.



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- 3.4. The Administrator shall make its request to present the financial guarantee dependent on creditworthiness of the Applicant or, where applicable, of the Operator not older than two years, provided by a rating agency or other entity developing ratings or point credit assessment professionally.
  - 3.5. If Applicant's or respectively Operator's creditworthiness receives a positive assessment, i.e. such that would indicate that Applicant's, or respectively Operator's creditworthiness is not less than the estimated value for ordered services of minimum access to the infrastructure for a period of 2 months, the Administrator shall require a financial guarantee from them only if the Applicant or, where applicable, the Operator within the last two years delayed a payment of any amount for services provided by the administrator by more than 30 days.
  - 3.6. If Applicant's or respectively Operator's creditworthiness receives a negative assessment, i.e. such that would indicate that Applicant's, or respectively, Operator's creditworthiness is less than the estimated value for ordered services of minimum access to the infrastructure for a period of 2 months, the Administrator shall require to be presented with a financial guarantee.
  - 3.7. The financial guarantee must be presented by the Applicant or, where applicable, the Operator no later than ten days before the first day of the month in which the Applicant will receive the allocation of infrastructure capacity or the Operator will begin the use of the allocated capacity.
  - 3.8. The Administrator can use the financial guarantee to satisfy any payable claims towards the Applicant or, where applicable, the Operator arising from the contract. If as a result of this satisfaction, the amount of financial guarantee will be reduced, the Applicant or, where applicable, the Operator will be obliged, at the request of the Administrator, to promptly complement the amount of the financial guarantee to the value resulting from paragraph 3.10 below, no later than within 7 days from the receipt of such request.
  - 3.9. If the financial guarantee is not presented or complemented within the time limit referred to in paragraph 3.7 or 3.8 above, the Administrator shall call the Applicant, or respectively, the Operator to submit or supplement guarantees from financial institution within 7 days or the advance payment within 7 days from the date of receipt of the request under the pain of refusal of applications for capacity allocation or refusal to allow the use of capacity.
  - 3.10. The amount of required financial guarantee corresponds to the estimated value of the gross fees for ordered services of minimum access to the infrastructure for a period of two months.
  - 3.11. The term of validity of institution's guarantee must include the 2017/2018 timetable and two months after its completion.
  - 3.12. The mode of payment and return of the deposit shall be determined by Agreement for allocation or Contract for Use.
4. The information about the database of traction vehicles for which the Administrator has traction characteristics, can be obtained at [j.stysz@eutermin.pl](mailto:j.stysz@eutermin.pl)



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#### § 12d. Requirements for Applicants

1. The Applicant is entitled to submit an application for the allocation of capacity after it concludes the Agreements for allocation with the Administrator.
2. In order to benefit from the capacity to perform carriage which ends in the sidings or service infrastructure facilities supported with Administrator's track system, but which are not managed by the Administrator, the Applicant is obliged to submit a certified original copy of the permission from siding user, or respectively from services infrastructure facility operator for the adoption of a train or a shunt of the Applicant. The permission may be recorded by the siding user or respectively by service infrastructure facility operator on a copy of the application for access.
3. In the application for the allocation of capacity, the Applicant shall specify the estimated time of use of the infrastructure and provide other information required by the Administrator in order to optimise the capacity of the railway infrastructure (e.g. the duration of support for siding / services infrastructure facility).
4. Upon Administrator's call, the Applicant shall submit, without delay, additional information that is necessary to resolve Applicant's request or perform the Agreement of assignment or the Contract of Use.

#### 12e. The schedule for the development of the annual train timetable of trains and changes in the timetable

PKP PLK shall develop draft TT on routes managed by PKP PLK and a route managed by the Administrator no. 665 Sosnowiec Maczki – Sławków Euroterminal and shall pass it to the Operator to agree on the part that concerns the Operator, in accordance with the terms laid down in PLK Terms and Conditions.

#### 12f. The term after which PKP PLK shall not assign capacity on the basis of proposals for the development of TT, specified as the number of days or hours prior to scheduled start of the train

The term after which PKP PLK shall not assign capacity based on proposals for the development of TT shall be determined by PLK Terms and Conditions.

#### 12g. The conduct of the coordination process and the settlement of disputes

1. In the event of a conflict between the applications for the allocation of train routes by different Applicants, the process of coordination and settlement of disputes shall be carried out by PKP PLK in accordance with PLK Terms and Conditions. If the Applicant fails to respond within 5 working days of receipt of information from PKP PLK about proposals for solutions to conflicts, this shall be treated as acceptance.
2. In the event of a conflict between the applications for the allocation of capacity to perform shunts and proposals for the allocation of capacity to park railway vehicles submitted by different Applicants, the Administrator shall provide the best possible implementation of the declared needs through consultations with interested Applicants.





3. The Administrator shall submit a proposal to resolve the conflict situation immediately after its disclosure. The proposed solutions shall be discussed in the process of coordination, but in the course of the coordination process, the Applicant can submit their comments and proposals for modification of the submitted applications that are taken into account by the Administrator within technical and operational possibilities.
4. If in the process of coordination, the interested participants do not reach an agreement on solutions to conflicts, the Administrator shall adopt an optimal solution in terms of capacity utilization, by giving priority to the Applicant which, in Administrator’s assessment, would make optimal use of the railway infrastructure.

**12h. Priorities applied at the stage of development of the timetable, including the conditions under which the previous levels of utilization of capacity by Applicant are taken into account**

1. The development of timetables and priorities applied at the stage of development of the timetable is in accordance with the rules laid down in PLK Terms and Conditions.
2. Detailed mode of TT development by PKP PLK is referred to in PLK Terms and Conditions.
2. Allocation of capacity for technological carriages for the Administrator shall be carried out, where appropriate, taking into account the current capacity.

**12i. The rules and criteria for the allocation of capacity applicable in the context of cooperation with other Administrators, including how to deal with difficulties in establishing multinet routes**

1. Capacity is allocated on the basis of applications submitted by the Applicants which have entered into an agreement for the allocation.
2. PKP PLK develops draft TT on routes managed by PLK and on the route managed by the Administrator no. 665 Sosnowiec Maczki – Sławków Euroterminal. The rules and criteria for the allocation of capacity applicable in the context of cooperation with other Administrators, including how to deal with difficulties in establishing multinet routes shall be specified in PLK Terms and Conditions.
3. The Operator shall submit the applications for the allocation of train routes to PKP PLK.
4. The applicant may not apply for the allocation of capacity for different types of capacity, if they are not related to the successive activities performed with railway vehicles.
5. The Applicant may indicate in its application other proposals for capacity allocation immediately preceding the one requested for the same composition of railway vehicles.

**12j. The rules for determining communication connections**

The Administrator shall not apply communication connections between trains and shunting depots.



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**12k. The procedure in the case of congested infrastructure section referred to in § 7, para. 11, point 1 of the Regulation, including the size of the use of the train route authorizing the Administrator to refuse the Applicant allocation of train route on the section**

1. In the event of a conflict between submitted applications for TT development, PLK shall carry out consultations with interested Applicants according to the principles laid down in PLK Terms and Conditions.
2. If it is not possible to carry out the orders referred to in the applications due to the limited capacity on parts of routes adjacent to the intersection points of railway routes, the proceedings in this regard shall be carried out by the party which is the reason for the lack of capacity.
3. A higher fee may be charged for the use of railways sections with insufficient capacity during the congestion accordance with the principles set out in Article 34, para. 1-3 of the Act.
4. The rules for the conduct of the auction for unallocated capacity are contained in annex 3 to these Terms and Conditions.
5. When is found that the Applicant for the following three calendar months in a given year has used less than 70% of the allocated capacity within AT, the Administrator may refuse to allocate the capacity for this Applicant in subsequent AT, in whole or in part.
6. If the Applicant is refused the allocation of capacity because of a congested infrastructure section, the Administrator shall inform it immediately of the reason for the refusal together with possible options for consideration of the request made by the Applicant.

#### **12l. Directory routes**

Allocation of train routes from PKP PLK directory using the railway line managed by the Administrator is determined in PLK Terms and Conditions.

#### **12m. How to provide Applicants with information about free capacity for the needs of an individual timetable**

How to provide Applicants with information about free capacity for the needs of an individual timetable shall be specified in PLK Terms and Conditions

#### **12n. Procedure of acceptance by the Applicant of an individual train timetable**

Procedure of acceptance by the applicant of IT is set out in PLK Terms and Conditions.

#### **12o. The threshold value of the use of the route, where failure to comply may result in the loss of the right to use the train path**

The Operator which during the period covering 31 consecutive scheduled journeys on the route of the train has used less than 70% of the allocated capacity, must not use the railway infrastructure on the basis of the allocated train route. The Administrator shall apply the provisions referred to in § 15 paragraph 1. 4-8 of the Regulation.



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### **§13. Mode, terms and conditions to make changes in the train timetable**

In order to implement changes to TI on route no. 665 Sosnowiec Maczki – Sławków Euroterminal, the interested Applicant shall submit an application PKP PLK for its modification/update on the principles set out in PLK Terms and Conditions. The mode, the conditions and the date of the introduction of changes to the route no. 665 shall be specified in PLK Terms and Conditions.

### **§ 14. How to notify changes in the technical and operational parameters of railway lines which have routes allocated, including the limitations related to robots, speed limits and other operative limitations, malfunctions of rail traffic control and communication devices, and control devices and rolling stock diagnostic tools.**

1. Notification of changes concerning the technical and operational parameters of the railway line managed by the Administrator which have routes allocated, including limitations related to robots, speed limits and other constraints, malfunctions of rail traffic control and communication devices shall be made via [www.euroterminal.pl](http://www.euroterminal.pl) in particular in the form of posting of Temporary Rules of Procedure for traffic and shunting work management during renovation/repair.
2. In addition, the information referred to in paragraph 1. shall be submitted via electronic means (e-mail) to the Applicants and to the Operators, at the addresses specified in these agreements.
3. The station has entry gates and where the clearance is limited – it has forepeaks. These spots are determined in Technical Rules and Regulations of Sławków Euroterminal station. However, they are not devices for control or diagnostics.

### **§15. Procedures of development and bodies responsible for the development of repairs schedules**

1. Rules for the development of schedules for planned and unplanned renovations.
  - 1.1. In case the Administrator shall schedule the execution of planned infrastructure repairs, at least 2 weeks before the beginning of the calendar year, it shall publish the schedule for the planned repairs on its website, indicating the scope of the maintenance and repair and the period when they will be carried out.
  - 1.2. On the basis of the annual technical status protocol for Sławków Euroterminal station, the Administrator shall assess the need to carry out the renovation of the railway infrastructure. If the overhaul turns out to be necessary, the Administrator shall draw up a draft timetable referred to in paragraph 1.1. The Administrator shall provide a schedule on their website.
  - 1.3. If the Administrator does not plan any renovations in next calendar year, the schedule referred to in point 1.1. above, shall not be drawn up and posted on the website.
  - 1.4. Any changes to the schedule referred to in paragraph 1.1. above to be made during the calendar year to which it applies, will be posted on Administrator’s website and the Operators which the Administrator has entered into an Agreement with, shall be informed of these changes in writing or by electronic mail.



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- 1.5. In case there is a need to carry out an unplanned repair, including emergency repairs, the Administrator shall inform the Operators which it has entered into Agreements with in writing or by e-mail and it will post the appropriate information on its website. The Administrator shall prepare a schedule of unplanned renovation (indicating the scope of the repair and the period when it will be carried out) and post it on its website.
  2. The scheduled long-term closures of rails will take place within intervals that do not collide with train timetable. The Operators shall be notified of any difficulties in relation to this with a 2-week notice.

**§ 16. Special measures to be taken in the event of disturbances caused by technical failure or accident to ensure that all the necessary steps are taken to restore the normal situation, including contingency plan in cases requiring notification of the competent authorities**

1. In the event of disturbance to train movements caused by technical failure or accident the Administrator shall inform without delay the interested Applicants, who have allocated capacity for the infrastructure that a technical failure or an accident concern.
2. When an event occurs in Administrator's railway area, the Operator and the Administrator shall undertake to act in accordance with the law, including, in particular, the Regulation of the Minister of Infrastructure and Construction of 16 March 2016 on serious accidents, accidents and incidents in rail transport and the proceedings in cases of railway major accidents, accidents and incidents ESr-8.
3. A detailed plan of the procedure in cases requiring notification of the competent authorities are determined in Administrator's Safety Management System procedure: P/17- the readiness and the procedure in case of risks/events.
4. The Administrator shall notify the persons concerned, i.e. the Applicants which have concluded an agreement for allocation and Operators which have concluded the Contract of Use of the occurrence of interference, obstruction (including the limitations related to robots, speed limits, traffic control devices malfunction, etc.) affecting their operational activities, to the addresses specified in these contracts via email, and in case of urgent need - by telephone. In accordance with the provisions of the Act, the Administrator is obliged to withhold or reduce rail traffic on the whole or in any part of the railway infrastructure in case of security or carriage threats.
5. The Operator and the Administrator shall undertake to:
  - 1) cooperate in order to minimize the negative effects of these events;
  - 2) cooperate to remove the consequences of the events in order to restore railway traffic;
  - 3) help victims;
  - 4) cooperate in determining the causes of accidents.
6. The causes of events and responsibility for their consequences shall be determined by the Railway Commission set up by the Administrator with the participation of the Operator.
7. The Operator is obliged to indicate the persons who, on behalf of the Operator, will be involved in the work of the Commission, referred to in paragraph 6, how to contact them, as well as to submit a list of those people to the Administrator before the start of the first train



under allocated TT. The Operator is obliged to update the list of the persons referred to above on an ongoing basis. If the Operator does not indicate the persons referred to in this paragraph, or refuses to participate in the Commission, the work of the Commission shall not be prevented; Commission's findings in this case are binding on the Operator and the Administrator.

8. The Railway Commission is appointed to carry out investigation into rail event pursuant to the Instructions of proceedings in cases of major accidents, railroad accidents and incidents ESr-8, Commission's findings shall be presented in the form of a final findings protocol that is agreed by the representatives of the parties to the contract and which contains in particular:
  - 1) determination of the circumstances, causes and the final qualification of the event;
  - 2) description and size of the damage and loss arising from the consequences of the event;
  - 3) determines conclusions preventing similar accident or incident in the future.
9. To the extent determined in the post-accident procedure and signed memorandum of understanding, the Operator and the Administrator are required to repair the damage, including the reimbursement of costs incurred when removing the effects of the event and provision of help and cover the costs of damages in proportion to the degree of contribution to the occurrence of the event.

Determination of losses created as a result of the event (serious accident, accident or incident) and responsibility for it shall be carried out by a team appointed in accordance with an Instruction to handle serious accident, accident or incident on the railway ESr-8.
10. In case of interference, the Administrator shall take steps to restore normal operating conditions.
11. If there are deviations from the TT caused by the event or accident due to the fault of the Operator, the Operator shall be liable to the Administrator and other users for caused difficulties in the operation of the infrastructure.
12. The Operator shall not be liable for any deviations from the TT resulting from operational difficulties due to the fault of the Administrator.
13. The Administrator has the right, in the event of operational difficulties of a sudden nature, to use Operator's or another Operator's railway vehicle to remove a damaged railway vehicle from the trail (to tow it to the nearest place which is appropriate to leave the vehicle).
14. The Operator shall be obliged to cover the costs of the removal of the effects of the events and operational difficulties arising from causes on its part.
15. The payment of obligations arising from paragraph 11 and 12 are governed according to the principles set out in the Agreement.
16. An entity that causes environment pollution shall bear the costs for the removal of this pollution under the Act of 27<sup>th</sup> April 2001 Environment Protection law and shall bear the costs of ground cultivation or removal of the damage done.

## **§17. Checks carried out by authorized employees of the Administrator**

The administrator has the right to:



- 1) carry out checks and controls via its authorized employees of trains, rail vehicles, Operator's employees and the transport documentation and the condition of Operator's rolling stock in order to ensure safe and compliant traffic management;
- 2) refuse the pass of the train when they find irregularities on train or people serving, in respect of the provisions, instructions, safety management system, principles deriving from terms and agreements;
- 3) check the compliance with the provisions in force by Operator's employees in Administrator's railway area;
- 4) request from the Operator explanation of the ways the agreements are implemented in the cases, when there is suspicion of breach of contract, or threat to the safety of persons or property.

**§18. The threshold value of the use of the route allocated to a section of the railway infrastructure with insufficient capacity, which when exceeded by the Operator authorizes the Administrator to deprive it of the right to use it**

The Operator which during the period covering 31 consecutive scheduled journeys on the route of the train has used less than 70% of the allocated capacity, must not use the railway infrastructure on the basis of the allocated train route. The Administrator shall apply the provisions referred to in §15, paragraph 4-8 of the Regulation.

**§19. How to determine and collect charges for the use of railway infrastructure**

1. Existing provisions regarding charges determination.
  - 1.1. Charging system and a method to determine rates for access to railway infrastructure has been developed under the Act, Implementation Regulation of the Commission (EU) 2015/909 of 12<sup>th</sup> June 2015 on rules how to settle costs which are borne directly as a result of train's passage and the Regulation.
  - 1.2. Unit rates of basic, shunting rate and additional fees after the approval by the President of the Office of Rail Transport have been published on Administrator's website [www.euterminal.pl](http://www.euterminal.pl)
2. The draft price list referred to in Article 33, para. 13 of the Act, together with the results of the market analysis, as referred to in § 21 para. 17 of the Regulation.
  - 2.1. Price list referred to in Article 33, para. 13, of the Act, constitutes annex 4 to these Terms and Conditions.
  - 2.2. The Administrator has not made market analysis referred to in §21, para. 17 of Regulation.
3. How to determine the category of a railway route.
  - 3.1. Route category has been fixed on the basis of the following technical parameters:
    - 1) carriage load;
    - 2) speed of trains;
    - 3) allowable axle load.



3.2. Class of the provided route and tracks shall be determined on the basis of the following criteria:

Class tracks	Allowable speed of trains [km/h]	Allowable axle load		Carriage load [Tg/year]
		locomotives [kN]	wagons [kN]	
4	60	221	221	4-8
	70	210	205	
5	30	221	221	up to 3
	40	210	205	

4. The division of the carriage market, which has been applied in determining the scope of application of the value of the parts of the rates associated with a type of performed services referred to in § 21, para. 1 of the Regulation.

4.1. The Administrator has not made the division of the carriage market, since the railway infrastructure managed by the Administrator is exclusively used for freight traffic.

4.2. Freight services are not divided into types (because of the transported cargo) to determine rates.

5. The value of the part of the rates associated with a type of performed services referred to in § 21 para. 1 of the Regulation, broken down into types of carriage.

5.1. The Administrator does not classify the types of carriages performed because the infrastructure managed by "EUROTERMINAL SŁAWKÓW" Sp. z o. o. applies only to freight traffic.

6. Information whether the unit rates shall be determined on the basis of the factual or planned state

6.1. The Administrator shall determine the unit costs on the basis of the facts.

7. A statement that the same charging policies apply to all Operators

7.1. The Administrator states that the same charging policies apply to all Operators

## **§20. Template of a framework agreement, if the Administrator offers their conclusion**

The Administrator does not offer the conclusion of the framework agreement.

## **§21. Procedures for the settlement of disputes and appeals in respect of (i) matters related to the provision of rail infrastructure and (ii) the execution plan referred to in Article 30f, paragraph 4 of the Act**

1. Disputes and appeals in matters related to the provision of infrastructure shall be settled by Administrator's Board, subject to paragraph 6.

2. Disputes and appeals in matters related to the execution plan shall be settled by Administrator's Board, subject to paragraph 6.



3. Applications and the appeals shall be submitted in writing at Administrator’s registered office with a detailed description of the case, the reasons, and the proposed solution.
4. In the case of deficiencies which prevent consideration of the application or appeal, the Administrator shall call to have them removed within 7 days on pain of leaving a letter without consideration.
5. Disputes and appeals addressed to the Board of the Administrator shall be settled within 10 working days from the date of receipt of the application or appeal, and in the case of deficiencies which prevent consideration of the application or appeal, within 10 working days after their removal in accordance with Administrator’s request.
6. If both parties agree, the disputes may be settled by an impartial third party (the arbitrator) indicated by the Administrator. Determination and settlement of the arbitrator is binding on the parties and the allocation of costs for the proceedings, including the remuneration of the arbitrator, shall be agreed by the parties in writing within 5 working days from the date of the expression of consent by the parties to have their dispute settled by the arbitrator. In the absence of settlement within that period of the above principles and failure to extend this term by the parties, a statement of the parties to have a dispute settled by third party shall expire. In this situation, the dispute shall be settled the Administrator.
7. The above procedures for the settlement of disputes and appeals do not exclude legal protection remedies provided in mandatory provisions of law.

**§22. The list of service infrastructure facilities connected to Administrator’s network, their location in relation to the railway routes, the conditions of access and provision of services in these facilities or an indication of the website which contains such information is made available free of charge in electronic form**

1. The list of service infrastructure facilities connected to the network and their locations in relation to the normal track railway line is included in Annex 1 to these Terms and Conditions. The schematic location of service infrastructure connected to Administrator’s network is specified in Annex 5 to the Regulation (schematic plan).
2. The list of services provided under service infrastructure managed by "EUROTERMINAL SŁAWKÓW" Sp. z o.o. is specified at [www.euterminal.pl](http://www.euterminal.pl).

**§23. The procedure to obtain exception from requirements for drivers from other Member States of the European Union to know Polish language in relation to railways or railway sections including border crossings with EU Member States neighboring with Poland**

Railway lines managed by the Administrator do not include border crossings with the Member States of the European Union neighboring with Poland.

**§24. The rules for the implementation of alternative communication**

Railway infrastructure managed by the Administrator does not support passenger transport, therefore, it does not provide for the implementation of alternative communication.





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## **§25. Mode, term and the way of introducing changes and update the Terms and Conditions should such need occur**

1. Amendments to these Terms and Conditions shall be carried out following prior consultation with the Applicants which have existing agreements for the allocation and Operators with which have Contracts of Use concluded with the Administrator. These changes shall become effective within 10 days from the date of their introduction, subject to the provisions of paragraph 2.
2. Changes resulting from generally applicable laws shall be made within the time limits laid down in these provisions.
3. Consultations are carried out via email. Email addresses for correspondence concerning the Terms and Conditions should be sent to [info@euterminal.pl](mailto:info@euterminal.pl)
4. Additions and amendments to the Terms and Conditions, following consultation with Applicants and Operators, shall be announced and posted on Administrator's website [www.euterminal.pl](http://www.euterminal.pl)
5. Failing to refer to a proposed change in the Terms and Conditions within 14 calendar days means its acceptance.

## **§26. The execution plan. Punctuality and contractual penalties**

1. The Manager checks whether trains are punctual or not.
2. The Manager, acting in cooperation with rail carriers, establishes train delays with division into their causes, with special regard to the following principles:
  - 2.1. The Manager, acting in cooperation with carriers, divides causes of train delays in accordance with the Resolution into the following groups: causes which the Manager is responsible for; causes which other managers or carriers are responsible for; causes which neither managers nor carriers are responsible for. If possible, the Manager assigns the cause of train delay to one entity, otherwise it shall establish percentage share of responsibility of particular entities.
  - 2.2. Subsequent to initial classification of causes of train delay, the Manager notifies the Carrier of it. If the cause of delay is established and demonstrates Carrier's responsibility in this respect, such Carrier shall be obligated to prove it is not responsible for the delay if it questions its own responsibility for given delay. Any doubts concerning the method of classifying the train delay shall be dispelled by the Manager. Before it provides the Manager with the debit note, the Carrier is obliged to arrange its value with the Manager.
3. The punctual trains shall be considered all Carrier's freight trains intended to transport items whose delay of arrival or departure at/from Sławków Euroterminal does not exceed 15 minutes.
4. In the period in which the annual train timetable applies, the percentage share of Carrier's trains which are not late for its fault in the total number of its trains, the so-called carrier's qualified punctuality must not be lower than 70%.
5. The compensation rate per minute of train delay is 6,50 zlotys.
6. The compensation due to the rail carrier for train delay may be paid by the Carriers whose trains finished their journey at Sławków Euroterminal or started their journey at Euroterminal Sławków with a delay exceeding 15 minutes, excluding trains which have been launched on the basis of petitions for assignment of train routes filed later than 5 days before



the scheduled train launch and excluding trains being late for reasons attributable to the carrier who launched the late train and excluding trains whose delays are not attributable to the Manager and other carriers.

7. To establish the number of minutes of delays entitling to receive the compensation, the difference between time of the real arrival at Sławków Euroterminal and scheduled arrival of trains which finish their journey at Sławków Euroterminal or the difference between time of real departure from Sławków Euroterminal and scheduled departure of trains which start their journey at Sławków Euroterminal shall be considered.
8. The Manager shall manage the compensation payout process, with special regard to the following principles:
  - 8.1. **Rail carrier** which causes train delay shall provide the rail carrier whose train is late with the compensation **via the manager**.
  - 8.2. The Manager shall provide the carrier with compensation if carrier's trains listed in the para. 6 are late due to Manager's actions (including its subcontractors' actions). **The Manager shall provide the rail carrier whose trains satisfying the terms listed in para. 6 above are late due to actions of another rail carrier with the compensation paid to the manager by the rail carrier who causes train delay.** The requisite for compensation payment to the carrier late due to other carrier's actions is prior payment of the compensation to the Manager by delaying carrier.
  - 8.3. The carrier shall provide the Manager with compensation for delays of trains of other rail carriers referred to in para. 6 above when it caused their delay.
  - 8.4. According to the percentage share of train delay, as specified in para. 2, the Manager shall establish the number of minutes of delay assigned to each entity responsible for train delay in relation to the number of minutes of delay of the train specified in the para. 6 below.
  - 8.5. The basis for compensation settlement for each settlement period with regard to train delays is the documentation arranged with the carrier, pursuant to the para. 2 above. In case of any disputes, the Manager's stand is binding to the Carrier.
  - 8.6. Compensations shall be settled on a monthly basis.

## §27. Final provisions

1. These Terms and Conditions were developed under Article 32 of the Act and Section 12 of the Regulation.
2. The use of Infrastructure Manager's services and infrastructure constitutes acceptance of these Network Statement.
3. Under Article 36 of the Act, the Terms and Conditions do not apply to railway infrastructure covering 1520 mm railway gauge which is managed by the Administrator.
4. The annexes to the Terms and Conditions shall form an integral part hereof.
5. The Administrator shall update characteristics of the rail infrastructure covered by the Terms and Conditions at least once a year, according to the data entered in the NRI.
6. Comments and inquiries regarding the Terms and Conditions can be reported to the following address: [info@eutermin.pl](mailto:info@eutermin.pl) or by phone at + 48-32-7142438.



## §28. The terms of Agreement

Terms and Conditions are effective during the period of the 2017/2017 timetable.



The list of provided tracks in Sławków Euroterminal station

No.	Track name or its destination	Overall length			Usable length			Capacity in meters	Track category	Permissible axle load [kN]	Permissible speed in km/h	Cargo square area / ramps [m <sup>2</sup> ]	No of a position (service infrastructure facility) and the distance from the axis to reloading point in km	Lighting [yes/no]
		from	to	mb	from	to	mb							
2		3	4	5	6	7	8	9	10	11	12	13	14	15
<b>Tracks with 1435 mm clearance</b>														
1	communication	s3ab	s114	783.7	u3cd	u113	742	740	Secondary	22.5 Mg (221kN/SC)	30		-	
1a	access	s51	s3ab	363.58	u51	u3ab	357	-	Secondary	22.5 Mg (221kN/SC)	30		-	
2	arrival	s115	s3cd	824.7	u7	u114	782	780	Secondary	22.5 Mg (221kN/SC)	30		-	
3	departure	s6	s113	702.9	u6	u112	660	660	Secondary	22.5 Mg (221kN/SC)	30		-	
4	arrival	s115	s5	791.1	u8cd	u115	747	740	Secondary	22.5 Mg (221kN/SC)	30		-	
5	arrival	s112	s4	766.0	u6	u112	724	720	Secondary	22.5 Mg (221kN/SC)	30		-	
6	departure	s117	s9	780.3	U9	u116	738	730	Secondary	22.5 Mg (221kN/SC)	30		-	
8	departure	s119	s9	814.9	u10	u117	705	700	Secondary	22.5 Mg (221kN/SC)	30		-	



9	exhaust	ko	s3ab	725.0	u52	ppko	697	690	Secondary	22.5 Mg (221kN/SC)	20		-	
10	communication	s11	s118	754.2	s11	u118	732	-	Secondary	22.5 Mg (221kN/SC)	20	100	18 (2.0 - from CSR1 side; 1.8 from CSR)  Park Track -1.8 - from CSR1 side; 2.2 - from p. CSR	none
10a	by-passing	s5	s11	133.3	u11	u5	89	-	Secondary	22.5 Mg (221kN/SC)	20		-	
11	cargo	s2	ko	1070	u2	ko	1030	1000	Secondary	22.5 Mg (221kN/SC)	20	33 675	12- Container plate – (the distance from the track axis arrival- departure to the track axis no. 11 - 2.4 km)	Yes
12	repair	ko	s118	552.6	u118	ppko	524	520	Secondary	22.5 Mg (221kN/SC)	20	Reloading Bay wagon- car optional wagon - square	19 (1.6)	Yes



13	arrival departure reloading	s55	s1	938.93	u53	u55	829	820	Secondary	22.5 Mg (221kN/SC)	30	33 675	12- Container plate – (the distance from the track axis arrival- departure to the axis of the track no. 13 - 2.4 km)	Yes
13a	exhaust	s55	s39	352.37	s55	u39	330	-	Secondary	22.5 Mg (221kN/SC)	20	17 325	13 (2.8) accessible from CSR side	none
13b	exhaust	s39	ko	121.3	s39	ppko	115	-	Secondary	22.5 Mg (221kN/SC)	20	17 325	14 - (3.0) bypass from CSR side	none
14	arrival-departure reloading	s55	s53	917.4	u53	u55	848	840	Secondary	22.5 Mg (221kN/SC)	30	33 675	12- Container plate – (the distance from the track axis arrival- departure to the axis of the track no. 14 - 2.4 km)	Yes
15	cargo	s30	s15	893.5	WK1	s30	828	820	Secondary	22.5 Mg (221kN/SC)	20	6 640	6 - (2.2)	Yes
15a	communication	s30	ST240	339.6	u30	ST240	292	-	Secondary	22.5 Mg (221kN/SC)	20	Reloading point	11 - (2.6)	
16	communication	s12	s5	339.6	s5	u12	317	-	Secondary	22.5 Mg (221kN/SC)	20		-	



17	cargo	S54	ko	1439.7	u54	ppko	1417	1400	Secondary	22.5 Mg (221kN/SC)	20	Ramp wag. reload. point normal track - weight. wide track	5-(2.3) 7-(2.6) 9- (2.3) 10- (3.1)	none
												10 260	Yes	
17a	cargo	ko	s17	388.62	u54	ppko	356	350	Secondary	22.5 Mg (221kN/SC)	20	Ramp, storage 4 861	4- (2.0) Rail & Sea	Yes
18	siding	ko	s12	649.5	s12	ppko	643	640	Secondary	22.5 Mg (221kN/SC)	20	20 000	17 (1.2)	Yes
19	cargo	ko	s30	226.0	pd 1.27	ppko	182	180	Secondary	22.5 Mg (221kN/SC)	20	Warehouse 7 444	8- (2.5)	
21	cargo	WK21a	s1	1066.4	u18	pd	987	980	Secondary	22.5 Mg (221kN/SC)	20	34 650	1- (2.3) 2- (2.8)	none
30	access **)	s26	s21	7.2 (236.0)	-	-	-	-	Secondary	22.5 Mg (221kN/SC)	20		-	
32	siding	ko	s103	422.3	u103	ppko	394	390	Secondary	22.5 Mg (221kN/SC)	20	Reloading Bay wagon- car optional wagon - square	19 (1.6) Parking track (1.6)	Yes
33	siding	s26	s102	366.5	u26	s102	324	320	Secondary	22.5 Mg (221kN/SC)	20		Parking track (1.6)	
34	siding	s26	s103	394.6	u26	s102	352	350	Secondary	22.5 Mg (221kN/SC)	20		Parking track (1.6)	



40a	weight	s138	s157	354.7	-	-	-	-	Secondary	22.5 Mg (221kN/SC)	20		-	
41	access	s121ab	s119	118.0	-	-	-	-	Secondary	22.5 Mg (221kN/SC)	30		-	
41a	communication	ST155	s121cd	356.1	u121cd	u160	306	300	Secondary	22.5 Mg (221kN/SC)	30		-	
48	access	s70	ST163	149.1	-	-	-	-	Secondary	22.5 Mg (221kN/SC)	20		-	
51	traction	ko	s168	67.9	WK174	ppko	25	-	Secondary	22.5 Mg (221kN/SC)	20		-	
53	traction	ko	s164	130.6	-	-	-	-	Secondary	22.5 Mg (221kN/SC)	20		25 - (2.1) the ROUNDHOUSE	
100	exhaust	ko	ST155	600	ST155	ppko	560	570	Secondary	22.5 Mg (221kN/axis)	30		-	
330	access to TPS-M **)	s121ab	pd	103.9 (370.0)	-	-	-	-	Secondary	22.5 Mg (221kN/SC)	20			
<b>The average distance to the "EUROTERMINAL SLAVKOV" SP. z o. o. operating points</b>													<b>2.2</b>	
<b>Tracks in the Terminal Ameri Gas Poland SP. z o. o. area</b>														
<b>Tracks with 1435 mm clearance</b>														
21a	cargo	WK	ko	338	bw	ppko	296	290	of local importance	22.5 Mg (221kN/SC )	20	99 999	AMERIGAS (2.9)	
<b>Tracks in the transshipment terminals Sławków - Medyka (TPSM)</b>														
<b>Tracks with 1435 mm clearance</b>														
22	technological	s12	s21	545	u13	u21	345	340	of local importance	22.5 Mg (221kN/SC)	20		TPSM (1.5)	





<b>24</b>	technological	s13	s21	400	u13	u21	345	340	of local importance	22.5 Mg (221kN/SC)	20		TPSM (1.5)	
<b>330</b>	access	s121ab	pd	370.0 (103.9)	-	-	-	-	of local importance	22.5 Mg (221kN/SC)	20		TPSM 23 (1.5)	
<b>331</b>	acceptance and reloading	pd	ko	1635	u303	ppko	1583	1580	of local importance	22.5 Mg (221kN/SC)	20	Unload. channel	TPSM (1.5)	Yes
												249,811.0 unload./load. point to wag. reload. square. normal track - weight wide track	TPSM (1.5)	Yes
<b>The average distance to TPSM</b>													<b>1.5</b>	
<b>Tracks in the TCC Poland SP. z o. o. area</b>														
<b>Tracks with 1435 mm clearance</b>														
<b>25</b>	cargo	ko	S19	448.8	pd	ppko	438.8	102/68	of local importance	22.5 Mg (221kN/SC)	20		The distance from the axis of SE station to siding (2.0)	
<b>27</b>	cargo	ko	S18	467.1	pd	ppko	457.1	120/80	of local importance	22.5 Mg (221kN/SC)	20		The distance from the axis of SE station to siding (2.0)	
<b>The average distance to TCC Polska sp. z o. o.</b>													<b>2.0</b>	



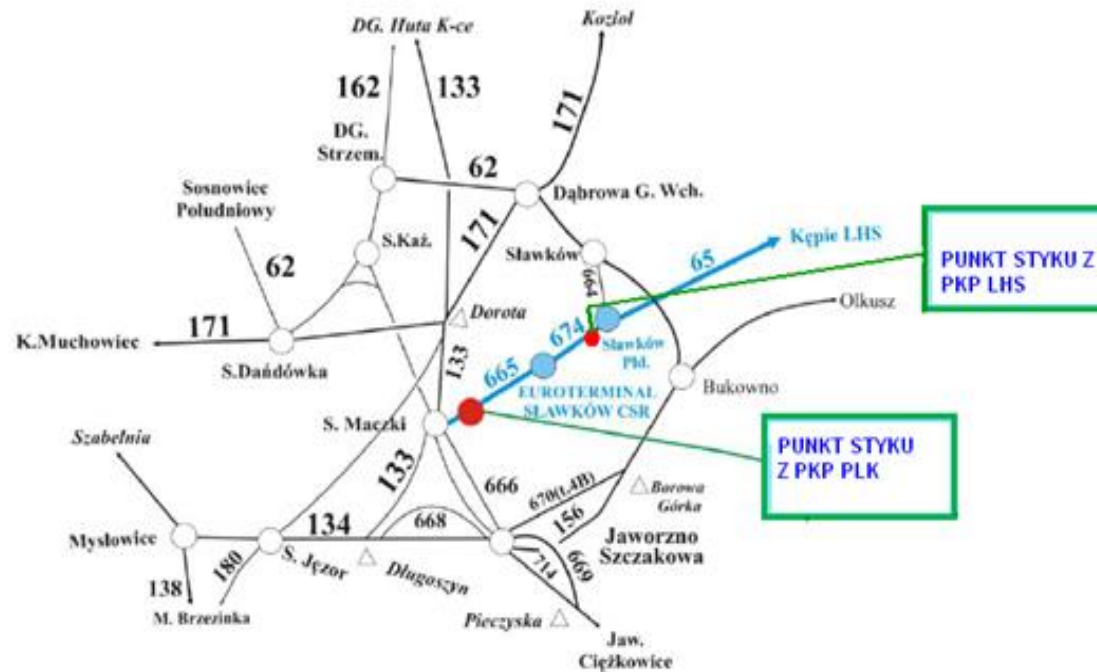
<b>The tracks in Europejskie Technologie Górnicze Sp. z o. o. area</b>														
<b>36</b>	cargo	ko	s70	227.7 (110)	pd	ppko	190	190	Secondary	22.5 Mg (221kN/SC)	<b>20</b>	<b>14 966</b>	<b>ETG (2.2)</b>	<b>Yes</b>
<b>49</b>	cargo	ko	s70	101.5 (77.9)	pd	ppko	67	60	Secondary	22.5 Mg (221kN/SC)	<b>20</b>		<b>ETG (2.1)</b>	
<b>55</b>	repair	ko	s175	281.6 (68.6)	km 0.0686	ko	68.60	-	Secondary	22.5 Mg (221kN/SC)	<b>20</b>		<b>ETG (2.2)</b>	
<b>56</b>	repair	ko	s177	148.2 (108.2)	km 0.108 2	ko	113	-	Secondary	22.5 Mg (221kN/SC)	<b>20</b>		<b>ETG (2.2)</b>	
<b>The average distance to ETG SP. z o. o. points</b>													<b>2.2</b>	
<b>The average distance to all points</b>													<b>2.2</b>	





Intersection points between "EUROTERMINAL SŁAWKÓV" SP. z o. o. routes with neighboring Administrators'.

**PUNKTY STYKU LINII ZARZĄDCY "EUROTERMINAL SŁAWKÓW" SP. Z O. O.  
Z SĄSIEDNIMI ZARZĄDCAMI:  
- PKP PLK S.A.  
- PKP LHS SP. Z O. O.**





**Rules for the conduct of the auction for unallocated capacity**

1. The auction shall be organized by staff authorized to act on behalf of the Administrator to carry out the auction. Director of Operations, who shall appoint a team to carry out the auction for unallocated capacity.
2. Director of Operations shall be the Chairman of the team to carry out the auction for unallocated capacity.
3. The subject of the auction is the amount of the unit rate increase for access to congested railway infrastructure specified in the invitation to take part in the auction.
4. Applicants interested in the use of congested rail infrastructure, who have made conflicting claims about the allocation of train routes, shall be invited for the auction.
5. The condition of admission of the Applicant to the auction is presentation to the organizer of the auction, prior to its commencement, authorisation to represent the Applicant.
6. The auction takes place at a place and time set in the invitation to take part in the auction.
7. The auction is carried out only with the participation of persons invited to take part in the auction. Written offers shall not be considered.
8. The auction consists in:
  - 1) determination of the basic fee increase declared by Applicants for individual train routes;
  - 2) determination of basic fee increase for train routes, for which as the result of the auction it is possible to limit exceptions from the requirements set forth in the application.
9. The end of auction shall be preceded by triple confirmation by the host the last bid for unit rate increase.
10. Auction host's duties include in particular:
  - 1) verification of the attendance of the applicants concerned and provided authorizations;
  - 2) description of the situation created after the end of the coordination process on the railway route declared to be congested;
  - 3) determination of the applicants which had routes allocated and the unit rate increase.
11. Train route shall be allocated to an applicant who:
  - 1) offered the highest amount of unit rate increase in the basic fee in the case of the auction;
  - 2) was the only one to take part in the auction;
  - 3) provides the largest operations on the network managed by the Administrator using this route in the absence of a proposal to increase the unit rate for the journey along congested railway infrastructure during the congestion or in the absence of the applicants concerned at the auction.
12. The host of the auction shall draw up minutes of the auction with an indication of the applicant which won the capacity. The minutes of the auction shall be signed by auction host representatives and representatives of the Applicant.
13. Bidders can make notes on the auction in the minutes of the auction.
14. The minutes of the auction shall be forwarded to all applicants participating in the auction.
15. Complaints about the auction must be submitted no later than 3 days after the receipt of the minutes of the auction to the address of the Administrator.



16. The amount of a unit rate increase in the basic fee for passage along the congested railway infrastructure during the congestion, set out under paragraph 13, shall be included in the contract of assignment.



**PRICES**  
**FEES FOR THE SHARING OF RAILWAY INFRASTRUCTURE**  
**MANAGED THROUGH „EUROTERMINAL SŁAWKÓW” SP. Z O.O.**  
in force from December 9, 2018.

**FEE FOR APPLICATION**

In the case of non-allocation of capacity to the railway carrier "Euroterminal Sławków" Sp. z o.o., hereinafter referred to as ES, will charge applicants a fee for handling the application for the allocation of capacity in the amount of PLN 100. The fee will not be charged if the capacity is not allocated for reasons attributable to ES.

**THE METHOD FOR ESTABLISHING THE UNITARY RATE OF THE INDIVIDUAL BASIC FEE ON THE BASIS OF PARTIAL RATES AND CORRECTIVE COEFFICIENTS WITH THEIR VALUES DETERMINED**

The unitary rate of the basic fee is determined as the sum of the part of the rate depending on direct costs and the part of the rate related to the type of transport performed.

The basic fee for services performed within the minimum access to the railway infrastructure is determined as the product of the train's mileage and the unitary rate determined for the train's route for a distance of one kilometre.

**The values of the coefficient differentiating the average rate depending on the gross mass of the train in individual ranges of train masses for one secondary category line (1)**

Total mass gross [t]	Differentiating coefficient of the mean rate	Total mass gross [t]	Differentiating coefficient of the mean rate	Total mass gross [t]	Differentiating coefficient of the mean rate
below 101	0.60	1201-1300	1.22	2401-2500	1.87
101-200	0.65	1301-1400	1.27	2501-2600	1.92
201-300	0.70	1401-1500	1.33	2601-2700	1.98
301-400	0.75	1501-1600	1.38	2701-2800	2.03
401-500	0.80	1601-1700	1.44	2801-2900	2.09
501-600	0.85	1701-1800	1.49	2901-3000	2.14
601-700	0.90	1801-1900	1.54	3001-3100	2.20
701-800	0.95	1901-2000	1.60	3101-3200	2.25
801-900	1.00	2001-2100	1.65	3201-3300	2.31
901-1000	1.05	2101-2200	1.71	3301-3400	2.36
1001-1100	1.11	2201-2300	1.76	3401-3500	2.41
1101-1200	1.16	2301-2400	1.82	Above 3501	2.47

Values of partial rates



Unitary rates of the basic fee for services provided as part of the minimum access to the railway infrastructure have been specified for only one type of train, because only freight trains with diesel traction are operating on the railway 665 managed by ES.

The part of the rate depending on direct costs was determined as the sum of the part of the rate depending on the train mass for one defined as a secondary category railway line and, because ES infrastructure is not electrified, one diesel train traction (other than electric), for which the value is 0 PLN / train-kilometre.

The part of the rate depending on the mass of the train and the category of railway lines is determined as the product of the mean rate depending on the weight of the train and the category of railway lines and:

- a) the coefficient differentiating the mean rate depending on the total gross mass of the train;
- b) the coefficient differentiating the average rate depending on the category of railway lines, which for ES is 1, due to the specified one secondary category of the railway line.

The mean rate depending on the mass of the train and the category of railway lines is PLN 46.25 per train-km, for which the mean train weight is 846 tons.

The administrator has exercised his right set out in § 21 para. 19 of the above-mentioned regulation and refrained from analysing the transport market in order to determine the scope of application of the value of the component related to the type of transport performed, assuming the value of this component at level PLN 0 per train-km.

Total mass gross [t]	Basic fee rate	Total mass gross [t]	Basic fee rate	Total mass gross [t]	Basic fee rate
below 101	27.75	1201-1300	56.32	2401-2500	86.51
101-200	30.06	1301-1400	58.83	2501-2600	89.03
201-300	32.38	1401-1500	61.35	2601-2700	91.55
301-400	34.69	1501-1600	63.87	2701-2800	94.06
401-500	37.00	1601-1700	66.38	2801-2900	96.58
501-600	39.32	1701-1800	68.90	2901-3000	99.10
601-700	41.63	1801-1900	71.42	3001-3100	101.61
701-800	43.94	1901-2000	73.93	3101-3200	104.13
801-900	46.25	2001-2100	76.45	3201-3300	106.65
901-1000	48.77	2101-2200	78.97	3301-3400	109.16
1001-1100	51.29	2201-2300	81.48	3401-3500	111.68
1101-1200	53.80	2301-2400	84.00	Above 3501	114.19

As a result of the calculations, the unitary rates of the basic fees for the minimum access to the railway infrastructure (PLN/train-km) for one-line category on the track with a truck gauge of 1,435 mm were obtained.

#### **METHOD FOR ESTABLISHING THE VALUE OF A UNITARY MARSHALLING FEE**

The average rate depending on the mass and category of railway lines is determined as the ratio of the planned direct costs and the planned operational work.





The value of the average rate depending on the weight is: PLN 93.05 per train-km, for which the average value of the trainset mass is 846 tons.

ES established one-line category - secondary (marked as 1), and the same category was defined for the entire available railway infrastructure.

The same gross tonnage range as for the basic fee was set at 100 tonnes, with the first range below 101 tonnes and the last above 3501 tonnes, for one secondary category line.

The values of the coefficient differentiating the mean rate were determined depending on the gross mass in individual mass ranges for one secondary category line, in the same way as for the basic fee.

The value of the part of the rate related to the type of transport performed is PLN 0 per train-km.

The value of the part of the rate related to the performance of one type of freight transport with only one traction - diesel - is PLN 0 per train-km.

The values of the coefficient differentiating the mean rate depending on the mass in the individual mass ranges for one secondary category line are identical to the basic fee.

Total mass gross [t]	Marshalling fee rate	Total mass gross [t]	Marshalling fee rate	Total mass gross [t]	Marshalling fee rate
below 101	55.83	1201-1300	113.30	2401-2500	174.05
101-200	60.48	1301-1400	118.36	2501-2600	179.11
201-300	65.14	1401-1500	123.42	2601-2700	184.17
301-400	69.79	1501-1600	128.49	2701-2800	189.23
401-500	74.44	1601-1700	133.49	2801-2900	194.30
501-600	79.09	1701-1800	138.61	2901-3000	199.36
601-700	83.75	1801-1900	143.67	3001-3100	204.42
701-800	88.40	1901-2000	148.74	3101-3200	209.48
801-900	93.05	2001-2100	153.80	3201-3300	214.55
901-1000	98.11	2101-2200	158.80	3301-3400	219.61
1001-1100	103.18	2201-2300	163.92	3401-3500	224.67
1101-1200	108.24	2301-2400	168.98	Above 3501	229.73

As a result of the calculations performed, the unitary rates of marshalling fees were obtained for services provided as part of the minimum access to the railway infrastructure, related to performed marshalling services (PLN/train-km) for one-line category on the track with a truck gauge of 1,435 mm:

The marshalling fee for services provided as part of the minimum access to the railway infrastructure related to the marshalling performed is the product of the marshalling run on the average distance indicated in the Terms and Conditions and the unitary rate depending on the mass determined for a distance of one kilometre.

## **A METHOD FOR ESTABLISHING BOOKING FEES**

### **Booking fee charged to applicants for not using the allocated capacity**

The booking fee is charged to applicants for not using the allocated capacity, if the applicant does not indicate the railway carrier that is to use the allocated capacity, or the railway carrier indicated by the applicant will not



contract with the ES for the use of capacity, in the amount of 100% of the basic charge for the planned train run, however, not less than PLN 1000.

#### **Booking fee for unused train route**

1. If the carrier fails to use the whole or part of the train route allocated as part of the annual timetable for reasons attributable to the carrier, ES shall charge a booking fee for the unused distance of the assigned train route in the amount of:
  - 1) 25% of the basic fee for the planned train run:
    - a. in the absence of resignation submission from the assigned route,
    - b. for the period from the day of submitting the resignation to the day preceding the implementation of the timetable change, for which the deadline for submitting applications has not yet expired;
  - 2) 5% of the basic fee for the planned train run in case of cancellation of the assigned route, for the period from the date of implementation of the train timetable change, for which the deadline for submitting applications has not yet expired, until the end of the annual timetable.
2. Fees shall not be charged for the period in which the timetable of the train has been changed at the request of ES.
3. If the carrier does not use all or part of the train's route allocated in a mode other than that adopted for the annual train schedule for reasons attributable to the carrier, ES will charge a booking fee for the unused part of the assigned train route in the amount of:
  - 1) 25% of the basic fee for the scheduled train run in the absence of submitted resignation from the assigned route or its submission in less than 12 hours before the scheduled start of the train;
  - 2) 20% of the basic fee for the scheduled train run in the event of resignation from the assigned route within a period of not less than 12 hours and less than 36 hours before the scheduled start of the train;
  - 3) 15% of the basic fee for the scheduled train run in the case of resignation from the assigned route within a period of not less than 36 hours and less than 72 hours before the scheduled start of the train;
  - 4) 10% of the basic fee for the scheduled train run in case of resignation from the assigned route within a period of not less than 72 hours and not longer than 30 days before the scheduled start of the train.
4. Booking fees are not charged if the unused train route is the result of the application for train route allocation concerning the modification of the allocated train route submitted as part of the change of the train timetable.
5. If the part of the allocated capacity is not used, which is a consequence of the carrier's reduction of the scheduled train mass, the administrator charges a reservation fee of 50% of the basic charge.

#### **A METHOD FOR ESTABLISHING FEES FOR STOPPAGE OF RAILWAY VEHICLES**

The maximum time of stoppage of railway vehicles within the minimum access to railway infrastructure, for which no charge is charged for the allocated capacity for the needs of railway vehicles stoppage, is 2 hours before the scheduled departure of the train and 2 hours after the arrival of the train. The free of charge time (normative) is the time necessary to perform operational activities.

The fee for stoppage a railway vehicle on the ES tracks over 2 hours is determined as the product of the duration of the stoppage and the unitary rate of PLN 12.12 per carriage.

**The fee is calculated for each exceeded stoppage (from 2 hours) also on railway tracks that are not part of the service infrastructure.**

The exceeded stoppage of railway vehicles is counted according to the following time periods:



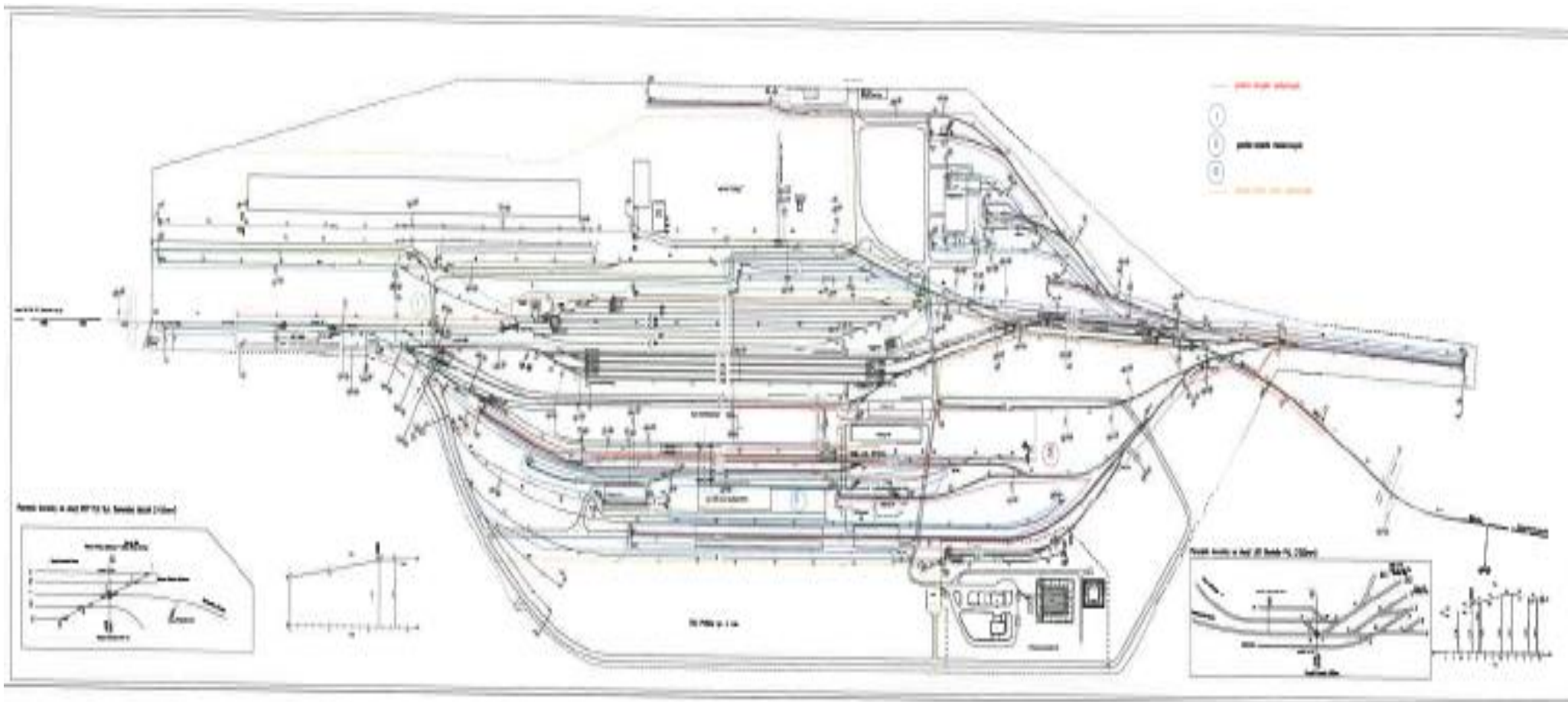
- 
- I. stoppage up to two hours - time free of charge for stoppage,
  - II. over two hours up to five hours - a fee of PLN 12.12 per carriage.
  - III. over five hours up to ten hours - a fee of twice the rate for vehicle stoppage, i.e. PLN 24.24 per carriage,
  - IV. over ten hours - for each PLN 12.12 per carriage.

Fees for vehicle stoppage are not charged when stoppage is due to reasons attributable to the Administrator.

#### **FEES FOR SERVICES WHICH MAY BE PROVIDED FOR RAILWAY CARRIERS**

ES provides additional and ancillary services to railway carriers, for which they charge fees according to the following rates:

No.	Name of service	Unitary rates
1	Marshalling locomotive works with staff	PLN 600.00 per hour
2	Other services provided for service and maintenance of the machines - carriage scales	PLN 35.00 per carriage
3	Services provided on the basis of contracts tailored to the individual needs of the railway carrier concerning the transmission of information and observation of a train with a consignment containing dangerous goods	PLN 60.00 per hour
4	Services provided on the basis of contracts tailored to the individual needs of the railway carrier concerning the supervision of the transport of extraordinary consignments	PLN 55.00 per hour
5	Providing supplementary information	PLN 55.00 per hour





**Template of an application for the allocation of capacity to shunting, parking railway vehicles**

Application for the allocation of capacity to shunting, parking railway vehicles			
<b>Application no:</b>	<b>Received by "EUROTERMINAL SŁAWKÓV" SP. Z O. O.</b>	<b>Date:.....</b>	<b>Time:.....</b>
...../...../..... No/month/year	<b>Acknowledgement of receipt of an application by a "EUROTERMINAL SŁAWKÓW" SP. z o. o. employee</b>	..... ..... <b>Company stamp and signature</b>	
<b>„EUROTERMINAL SŁAWKÓW” Sp. z o. o.</b> <b>o.</b> <b>Dispatching Office</b> <b>41-260 Sławków, ul Groniec 1</b> <b>Tel. 32 714 24 64</b> <b>Fax: 32 714 24 04</b> <b>email: <a href="mailto:dyspozytor@euterminal.pl">dyspozytor@euterminal.pl</a></b>		<b>Applicant:</b>	
		<b>Name:</b>	
		<b>Address:</b>	
		<b>Phone:</b>	
		<b>Fax:</b>	
	<b>e-mail:</b>		
<b>Service description:</b>	<b>Data:</b>		
<b>SHUNTING WORK</b>			
The aim of shunting,			
Place of shunting performance - determination of service infrastructure facility or sidings adjacent to Administrator's infrastructure			
Type of maneuvering vehicles.			
Gross mass of train/railway vehicles,			
Deadline for maneuvers			
Number of wagons;			
It runs on days of the week			



Other	
<b>RAIL VEHICLES PARKING</b>	
Location of railway vehicles parking spot,	
The maximum length of railway vehicles,	
Parking time for railway vehicles;	
Date of stop	
<b>Signature of the Applicant's representative submitting the application</b>	<div style="text-align: center;"> <p>.....</p> <p><i>Company stamp and signature</i></p> </div>
	<p>Date</p> <p>.....</p>
<b>Contact details to Applicant's employee</b>	
First name and last name	
Phone:	
Fax:	
e-mail:	
<b>„EUROTERMINAL SŁAWKÓW” Sp. z o. o. information</b>	
<b>Application adopted for the implementation</b>	<b>Application rejected</b>
<b>Information about the allocated capacity</b>	<b>The reason for the rejection of the application</b>
Date:..... time: .....	Date:..... time: .....
<b>Signature of employee</b>	<b>Signature of employee</b>
<p>.....</p> <p><i>Company stamp and signature</i></p>	<p>.....</p> <p><i>Company stamp and signature</i></p>
<b>The RESIGNATION of the allocated capacity</b>	
<b>Date of resignation</b>	<b>Date of receipt of resignation</b>
..... time .....	..... time .....
<b>Signature of Applicant's employee</b>	<b>Signature of Administrator's employee</b>
<p>.....</p> <p><i>Company stamp and signature</i></p>	<p>.....</p> <p><i>Company stamp and signature</i></p>

