



Přídělcce kapacity, a.s.

**Declaration on the regional railway lines Čížkovice – Obrnice and Dolní Bousov – Kopidlno  
valid and effective for the allocation of railway capacity during the period of validity and  
effectiveness of the 2026/2027 timetable  
within the meaning of Section 33 of Act No. 266/1994 Coll., on Railways, as amended.**

Railway to which the railway declaration applies: regional railway Čížkovice – Obrnice and regional railway Dolní Bousov – Kopidlno (hereinafter collectively referred to as “the railways concerned”, individually as “the railway concerned”); The basic structural and technical parameters of the affected railways, including the designation of the beginning and end of the railway, as well as the operational and technical characteristics in accordance with the list kept pursuant to Section 23(1)(f) of the Railways Act, are contained in Annex 1 to this railway declaration. other structural and technical parameters of the affected tracks are contained in the track conditions tables published on the websites of the track operator <http://www.azd.cz> and the allocator <http://www.pridelce.cz>. The form and content of the track condition tables comply in particular with Section 1(r) in conjunction with Section 4(4) and (5) of Decree No. 173/1995 Coll., issuing the railway transport regulations, as amended.

The tracks concerned are not tracks or sections of these tracks with exclusive train operation under the supervision of the European train control system.

Independent allocator: Kapacita a.s., ID No.: 17984408, with its registered office at Litoměřická 213/30, 190 00 Prague 9, a commercial company registered in the Commercial Register maintained by the Municipal Court in Prague, Section B, File 27925 (hereinafter also referred to as the “allocator”).

Track owner: AŽD Praha s.r.o., ID No.: 48029483, with its registered office at Žirovnická 3146/2, Záběhlce, 106 00 Prague 10, a commercial company registered in the Commercial Register maintained by the Municipal Court in Prague, Section C, File 14616.

Railway operator: AŽD Praha s.r.o., ID No.: 48029483, with its registered office at Žirovnická 3146/2, Záběhlce, 106 00 Prague 10, a commercial company registered in the Commercial Register maintained by the Municipal Court in Prague, Section C, File 14616; the railway operator operates the railways in question as a vertically integrated undertaking through a branch *of the railway operator*, which is located at the registered office of the railway operator.

Operator: Správa železnic, state organisation, ID No.: 70994234, with its registered office at Dlážděná 1003/7, 110 00 Prague 1, state organisation registered in the Commercial Register maintained by the Municipal Court in Prague, Section A, File 48384; Based on contracts concluded with the railway operator and the allocator, the operator performs certain functions related to the allocation of railway capacity.

#### Definition of basic terms

Railways Act – Act No. 266/1994 Coll., on railways, as amended

DŽD – Decree No. 173/1995 Coll., issuing the Railway Transport Regulations, as amended

Administrative Procedure Code – Act No. 500/2004 Coll., Administrative Procedure Code, as amended

Commission Implementing Regulation (EU) 2018/763 – Commission Implementing Regulation (EU) 2018/763 of 9 April 2018 laying down practical arrangements for the issue of single safety certificates to railway undertakings in accordance with Directive (EU) 2016/798 of the European Parliament and of the Council and repealing Commission Regulation (EC) No 653/2007

Directive – Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area

Safety Directive – Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety

Allocation Agency – Allocation Agency a.s., ID No.: 17984408, with its registered office at Litoměřická 213/30, 190 00 Prague 9, a commercial company registered in the Commercial Register maintained by the Municipal Court in Prague, Section B, File 27925, in the position of an independent allocator

Railway operator – AŽD Praha s.r.o., ID No.: 48029483, with its registered office at Žirovnická 3146/2, Záběhlce, 106 00 Prague 10, a commercial company registered in the Commercial Register maintained by the Municipal Court in Prague, Section C, File 14616; the railway operator operates the railways in question as a vertically integrated undertaking through a branch of the railway operator

Railway owner – AŽD Praha s.r.o., ID No.: 48029483, with its registered office at Žirovnická 3146/2, Záběhlce, 106 00 Prague 10, a commercial company registered in the Commercial Register maintained by the Municipal Court in Prague, Section C, File 14616

SŽ – Správa železnic, state organisation, ID No.: 70994234, with its registered office at Dlážděná 1003/7, 110 00 Prague 1, registered in the Commercial Register maintained by the Municipal Court in Prague, Section A, File 48384, as the entity performing the function of owner and operator of the railway in the case of national railways, regional railways and sidings owned by the state

Carrier – rail transport operator

Licence holder – rail transport operator

ÚOHS – Office for the Protection of Competition as another central state administration body exercising the powers and competences of a regulatory authority within the meaning of the Directive, which is enshrined, inter alia, in the Railways Act and directly applicable sources of European Union law

ŽST – railway station

#### General provisions on the nature of this track statement

This track statement has been prepared by the allocator within the meaning of Section 33(1) of the Railways Act in connection with the fulfilment of the allocator's obligations in relation to the tracks concerned and contains, in particular, non-discriminatory rules for the allocation and withdrawal of track capacity, for access to the tracks concerned, their use and for the calculation of the price for such use, and is published on the website of the allocation entity <http://www.pridelce.cz> and simultaneously on the website of the railway operator <http://www.azd.cz> in a manner allowing remote access and free of charge; in the event of a discrepancy (inconsistency) between the texts published in this manner, the text published on the website of the allocation entity shall prevail. At least 30 days prior to the date of publication of the track statement, the Allottee allowed interested parties to comment on its content; the Allottee did not receive any comments from these parties on the content of the track statement. The Allottee publishes the path statement in Czech and in English

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translation. In the event of a discrepancy between the Czech and foreign language versions of the path statement, the Czech version shall prevail.

This path statement is valid for the period of validity of the 2026/2027 timetable; for the avoidance of doubt, the allocation body shall act in accordance with this track access statement when allocating track capacity, with the rights to the allocated track capacity being exercised from 13 December 2026 to 11 December 2027.

When concluding or amending a contract for the operation of rail transport on the track concerned, it is not possible to deviate from the content of this track statement. This track statement sets out, among other things, the content of the contractual relationship established between the track operator and the relevant rail transport operator by a contract for the operation of rail transport.

An applicant who is not the rail transport operator and who submits an application for the allocation of track capacity to the allocator undertakes to act in accordance with the content of this track statement.

All provisions of this track statement must be interpreted in accordance with the relevant national legislation, in particular the Act, as well as directly applicable sources of European Union law. The provisions of national sources of law must be interpreted in accordance with European law, in particular in the spirit of the Directive.

The assignee is obliged to immediately record any changes to the information contained in this railway declaration in accordance with Section 33(5) of the Railway Act.

#### Establishment of rules for access to and use of the railway

The right of access to the railway concerned may be exercised:

- directly in the case of persons who are authorised rail transport operators within the meaning set out below in the case of applicants who are also authorised rail transport operators, or
- through authorised railway operators within the meaning specified below in the case of applicants who have been allocated capacity on the railway concerned and who are applicants other than authorised railway operators within the meaning specified below.

Any applicant is obliged to prove to the allocator or operator, depending on whether it concerns the allocation of track capacity or the exercise of rights constituting the right to use the allocated track capacity, at any time that it meets the conditions for the allocation of track capacity or the exercise of rights constituting the right to use the allocated track capacity. The previous sentence shall apply mutatis mutandis in the case of track use by an authorised rail transport operator in cases where track capacity is not allocated (in particular in the case of shunting, shunting between stations, etc.).

An authorised rail transport operator is a person authorised to operate rail transport on the railway in question from the point of view of public and private law, i.e. a person who:

- is established in a Member State of the European Union or a state forming part of the European Economic Area,
- holds a valid licence and carrier certificate issued by a railway administrative authority or the European Union Agency for Railways, whose territorial jurisdiction covers the Czech Republic and whose material jurisdiction covers the railway concerned,
- has been allocated railway capacity or is authorised to exercise rights from railway capacity allocated to another applicant who is not currently an authorised railway operator,
- has concluded a contract for the operation of rail transport with the railway operator,
- is insured in terms of the statutory liability insurance of the rail transport operator in the event of an obligation to compensate for damage caused by such operation, which is a prerequisite for the granting of a licence to operate rail transport, with insurance coverage of at least CZK 50 million per calendar year and per insured event.

An applicant is understood to be another natural or legal person who does not currently hold a valid licence to operate rail transport on the railway in question; this applicant is obliged to

submit to the allocator, prior to the allocation of track capacity, a written statement from the rail transport operator who will exercise the rights from the allocated track capacity (licence holder) stating that, in the event of track capacity being allocated, the relevant rail transport operator will actually use this capacity; a further condition for the allocation of track capacity to this applicant is the conclusion of a written agreement between the allocator and this applicant on the allocation of track capacity to the applicant, whereby the applicant undertakes to comply with the rules laid down in this track statement. Only one licence holder may make such a statement for a specific part of the track capacity. If the applicant fails to submit this declaration, the allocator shall not allocate track capacity to him.

The allocator stipulates that the right of access to the tracks concerned (use of the allocated track capacity) may only be exercised using railway vehicles that can be operated on the tracks concerned in accordance with generally binding legal regulations, in particular the Railways Act and European Union legislation. This rule does not affect the applicant's right to transport exceptional consignments under the conditions set out in this track statement.

The applicant undertakes, in exercising its right of access to the track concerned, to act in accordance with the technological regulations of the track operator specified in the rail transport operation contract or the technological regulations of the track operator to which the rail transport operation contract otherwise refers.

The applicant may only use the allocated capacity in such a way that at no point on the route is there a deviation from the allocated time position of more than 3 hours before the allocated route (advance) or 20 hours after the allocated time position (delay). If the carrier requires a greater deviation, it is obliged to submit an application for a new allocation of track capacity.

From the perspective of the allocated train route, track capacity is considered to have been used on a specific day if it was used between at least two transport points on that day. This means that the applicant cannot claim multiple use of a single business case and a single allocated data timetable for multiple trains on a specific day.

#### Track access charge and rules for its calculation

The price for track use, including the rules for its calculation, is set out in Annex 2 to this track statement.

#### Price for track capacity allocation and rules for its calculation

The price for track capacity allocation, including the rules for its calculation, is set out in Annex 2 to this track statement.

#### Definition of track capacity, including the part reserved for planned maintenance and repair of the transport route

During the period of validity of the 2026/2027 timetable, the allocator shall define the track capacity, including the part reserved for planned maintenance and repair of the transport route, to the extent of such part of the technical capacity of the track within one calendar day that allows for the definition of at least three train routes in each direction and throughout the entire section of the track, whereby these routes correspond in their parameters to the route of a freight train hauled by a traction vehicle capable of reaching and maintaining the maximum line speed; this provision does not exclude the right of the railway operator to restrict railway operation for reasons specified by law, in particular Section 23b et seq. of the Railways Act.

Applicants entitled to use such reserved track capacity are:

1. applicants operating rail transport for the purpose for which this track capacity is reserved (in particular for the transport of persons or goods in connection with track maintenance or repair, or for the purpose of measuring and diagnosing technical parameters of the track, etc.);

2. applicants whose railway capacity allocated by the allocator is limited by maintenance or repairs, and only to the extent that this limitation is reduced,
3. other applicants, if the track capacity reserved in this way is not used in the manner specified in the previous points.

Rules for the allocation and withdrawal of track capacity, including the allocation of capacity in exceptional circumstances

The allocator states that, on the basis of a separate contractual agreement between the allocator and the operator, it has authorised the operator to exercise certain rights and obligations in the allocation of track capacity; the operator is entitled to deal directly with the applicant for the allocation of track capacity in the exercise of these rights and obligations, in which case it acts in its own name and on behalf of the allocator.

The operator thus exercises the following rights and obligations for the allocator when allocating track capacity:

- processing the timetable,
- ensuring the implementation of the annual timetable and the production of tabular timetables and draft timetables, including any changes thereto,
- ensuring the production of data tables for passenger timetables (book timetables), including the incorporation of any additional and tariff information, including changes thereto,
- ensuring the processing of timetable proposals for passenger and freight rail transport, including their publication and discussion in the manner and within the time limits specified in Section 34a of the Railways Act.

The allocator allocates track capacity within the scope of the train route. Track capacity for shunting movements, including shunting between stations, as well as for the movement of railway vehicles onto and from excluded tracks, is not allocated.

Track capacity may only be allocated to an applicant who meets the conditions set out in this track statement and generally binding legal regulations, and where the track concerned allows such allocation of capacity.

An applicant who intends to submit an application for the allocation of track capacity for the purpose of operating passenger rail transport without a public service contract for passenger transport in accordance with the directly applicable European Union regulation governing the economic equilibrium test shall notify the Office and the allocator of this fact no later than 18 months before the date of entry into force of the timetable. The allocator shall not allocate track capacity for the purpose of operating passenger rail transport without a public service contract for passenger transport if the applicant does not notify its intention, unless rail transport is not operated on the track concerned on the basis of a public service contract for passenger transport and there is no threat of such transport being operated. The allocator shall also not allocate track capacity until the decision of the Office for the Protection of Competition becomes final, if an application has been submitted for an assessment of the threat to the economic equilibrium of passenger rail transport operated on the basis of a public service contract for passenger transport on the track or section concerned as a result of the operation of passenger rail transport without such a contract.

### ***Requirements for a request for allocation of track capacity***

An application for the allocation of railway capacity must contain:

1. the applicant's details enabling their identification in accordance with generally binding legal regulations (in the case of a natural person, their first name, surname, date of birth, place of residence, or identification number, if assigned by another authority; in the case of a legal person, the name under which it is registered in the relevant register, registered office, identification number),

2. definition of the required part of the total track capacity in the form of a train route determined by the starting point and destination; unless otherwise agreed between the allocator and the applicant, the train journey must not involve repeated journeys in the same direction on any section of the track,
3. definition of the required part of the total track capacity in the form of time data decisive for the construction of the train timetable (i.e. including the train's stay at the relevant transport points, together with the reasons for such a stay),
4. the type of train that is to use the track capacity if it is allocated, as well as the operational and technical parameters of the train (rail vehicles), in particular the maximum weight, maximum speed, train length, most unfavourable track class for the train's rolling stock, braking method and mode, maximum braking percentage of the train and running resistance of the rolling stock,
5. type of traction of the train's traction vehicles, number of these vehicles with specification of their type or series, specification of the required technological operations in relation to these traction vehicles (e.g. re-coupling, etc.); the above provision does not apply to traction vehicles which are considered to be hauled vehicles for the purposes of train operation,
6. the moment or period of use of such a route (routes) within the period for which the track capacity is allocated (e.g. daily, on working days, during a specified period, etc.);
7. the type of rail transport operation in which the train is to be run (e.g. public rail passenger transport, etc.); if the train is to run in connection with the operation of rail transport in fulfilment of obligations under a public service contract for passenger transport or in fulfilment of obligations imposed by a decision of the contracting entity, this fact shall be stated in the application for the allocation of track capacity,
8. information to be published in the annual timetable as notes (including tariff notes), as well as the time and local restrictions of these notes,
9. the type and scope of the services requested,
10. other requirements of the applicant in terms of the movement of railway vehicles and track occupancy in the area of the transport facility (transport point) where the train route begins or ends, as well as technological operations at intermediate transport facilities (transport points),
11. in the case of an application for the allocation of ad hoc (individual) track capacity, an indication of the technology at the destination and intermediate transport facilities (transport points), if a stay or technological operation is anticipated at the station (traffic point) in question, resulting in the occupation of the track at this station (traffic point) before the arrival of the train or after its departure, or if the applicant requests any other cooperation from the railway operator,
12. known exceptional circumstances in relation to the train.

In the event of a change in the circumstances referred to in points 1 to 6, depending on the nature of such a change, if it occurs within the framework of the annual timetable, the allocator shall assess whether this change constitutes a mere modification of the application without affecting its nature, or whether the application will be changed to a late application for track capacity allocation. A change to the application is a change made by the applicant to the extent and at the time that necessitates a change to the parameters of the route already constructed by the allocator (operator). The deadlines for submitting applications for the annual timetable are published by the operator in the relevant operator's track statement or on the Track Operation Portal (<http://www.provoz.spravazeleznice.cz>).

The applicant is responsible for the completeness, factual accuracy and other requirements of the application for track capacity allocation.

### ***Type of application for track capacity allocation in terms of the time of its submission***

In accordance with generally binding legal regulations, in particular Section 34a et seq. of the Railways Act, applications for track capacity allocation are classified according to the time of submission as follows:

- applications on the basis of which track capacity is allocated when the timetable and its changes are being drawn up,
- applications on the basis of which track capacity is allocated after the timetable has come into effect.

The allocator then classifies individual applications for the allocation of railway capacity within the limits of the Railway Act as follows:

- applications for the allocation of track capacity in the annual timetable,
- late requests for the allocation of track capacity to the annual timetable,
- applications for the allocation of track capacity to changes to the annual timetable,
- requests for individual ad hoc allocation of track capacity (i.e. after the annual timetable has come into effect).

***Method of submitting an application for allocation of track capacity in the annual timetable and its changes***

Track capacity in the annual timetable is allocated for a maximum period of the validity of the relevant annual timetable. The route and timetable of the train are decided by the allocator (operator). The allocation of track capacity is carried out in accordance with the relevant provisions of the Railways Act, in particular Sections 34 and 34a of the Railways Act.

Aids to the annual timetable are available on the railway operator's website and on the allocator's website.

Applications for track capacity allocation are submitted to the allocator via the operator

- using the operator's IS KANGO information system, which is available on the operator's railway operation portal at <http://www.provoz.spravazeleznice.cz>, or
- in writing via a postal licence holder (e.g. by sending it to the data box, by post to the operator's registered office) or by personal delivery to the operator's registry office at the operator's registered office on working days from 8:00 a.m. to 2:30 p.m.

The applicant is obliged to request the operator to grant access rights to the operator's railway operation portal sufficiently in advance so that they can submit their application for the allocation of railway capacity properly and on time.

The time of delivery on the given calendar day (hour, minute) is decisive for determining the time of delivery of the application for track capacity allocation. The application for track capacity allocation is delivered to the operator if submitted via:

- IS KANGO at the moment of submission of the request for allocation of track capacity in IS KANGO,
- a postal licence holder at the time of delivery of the request for allocation of track capacity.

The process of allocating track capacity to the annual timetable can be described in terms of the following stages:

- receipt of the application for allocation of track capacity in the annual timetable,
- submission of a proposed train route structure,
- acceptance of this proposed train path structure by the applicant, or rejection of this proposed train path structure by the applicant, stating the reasons,
- possible discussion of the intended allocation of track capacity with applicants in the event that two or more applicants have requested the allocation of the same part of track capacity, including the possible declaration of the track or part thereof as congested,
- allocation of track capacity.



The rules of the process set out above shall apply *mutatis mutandis* to the process of allocating track capacity within the framework of the planned change to the annual timetable. If an applicant intends to accept a route proposal (train timetable) or reject it, stating the reasons, they are entitled to do so via the KANGO IS or in writing to the relevant timetable department of the operator. An applicant who intends to reject the route proposal, stating the reasons (sending comments on the submitted route proposal), is obliged to do so within the specified period, otherwise the route proposal is deemed to have been accepted. The allocator shall respond to any comments made by the applicant by the time the track capacity is allocated.

If the route proposal is accepted by the applicant, the operator shall incorporate this route into the annual timetable (or its amendment) and into the annual timetable aids (amendments to the annual timetable).

In terms of the individual steps involved in allocating track capacity to the annual timetable, the deadlines and time limits set out in this track statement and the relevant operator track statement published for the period of validity of the timetable, which is available on the website <http://www.spravazeleznice.cz>, shall apply.

A late application for track capacity allocation is an application submitted by the applicant after the deadline for submitting applications for track capacity allocation to the annual timetable, but before the allocation of track capacity to applicants in the annual timetable. The allocator shall take the late application into account when allocating capacity and drawing up the draft timetable, if possible. Only track capacity remaining after satisfying applications submitted before the deadline for submitting applications for track capacity allocation in the annual timetable may be allocated on the basis of a late application. If several late requests are made for the allocation of the same part of track capacity, the allocator shall allocate the capacity according to their order of receipt ( ). In the event of concurrent late requests, the allocator shall schedule the allocation so as to accommodate each applicant and shall discuss this schedule with the applicants concerned. If several applicants request the same piece of track capacity in the case of a track or part of a track that has been designated for priority allocation of track capacity for the purpose of operating passenger or freight rail transport, the allocator shall schedule its allocation so as to accommodate each request for track capacity for the operation of the relevant type of rail transport and, if track capacity remains available, other requests; it shall discuss this schedule with the applicants. The allocator may deviate from the requested share of track capacity to the extent necessary, while ensuring that international train routes are maintained where possible. The allocator shall provide the applicants concerned with the necessary information in good time before the schedule is discussed, in particular information on applications for the same train path capacity, information on other applications for capacity allocation on the line concerned and information on the scheduled allocation of train path capacity. The allocation body shall only provide the applicant's identification details with their consent.

In the event of an application for the allocation of track capacity before the change of the annual timetable in accordance with the deadlines specified by the operator in its track statement for the period of validity of the relevant timetable, train paths for this change to the annual timetable shall be constructed within the remaining available track capacity, taking into account already allocated paths and planned restrictions on track operation; applications for track capacity allocation until the change to the annual timetable shall have lower priority than applications for track capacity allocation submitted earlier.

#### ***How to submit an application for ad hoc track capacity allocation***

Upon request, the allocator shall provide information on the remaining available track capacity within 5 working days of receiving the request for such information.

Track capacity is allocated on the basis of an ad hoc track capacity allocation request, always no later than the date of the next planned change to the annual timetable, and always within the limits of the remaining available track capacity.

Requests for ad hoc track capacity allocation shall be submitted to the allocator via the operator, using the operator's IS KADR information system, which is available on the operator's track operation portal at <http://www.provoz.spravazeleznice.cz>.

The applicant is obliged to request access rights to the operator's Railway Operation Portal from the operator sufficiently in advance so that they can submit their application for capacity allocation properly and on time.

The time of delivery on a given calendar day (hour, minute) is decisive for determining the time of delivery of the application for track capacity allocation. The application for track capacity allocation is delivered to the operator at the moment it is made in the IS KADR.

Any change to an ad hoc request for track capacity allocation is always considered a new request.

When allocating ad hoc train path capacity, the allocator applies individual products in accordance with the operator's train path declaration, i.e.:

- request for ad hoc train path allocation (product P3),
- request for ad hoc allocation of track capacity (product N3),
- request for ad hoc allocation of track capacity for the purpose of performing a technical safety test of a railway vehicle (TB product),
- request for ad hoc allocation of track capacity for the purpose of performing a test run of railway vehicles of an unapproved type, or a run at a speed higher than the track speed (product ZK),
- request for ad hoc allocation of track capacity for the purpose of maintenance or repair of the railway operator's track (UI product),
- request for ad hoc allocation of track capacity due to restrictions on the infrastructure of the railway operator (OM product),
- request for ad hoc allocation of track capacity for journeys for other reasons on the part of the allocator or railway operator (JD product).

When allocating track capacity on an ad hoc basis, the procedure is the same as for allocating track capacity to the annual timetable if two or more applicants request the same track capacity.

The route proposal is delivered to the applicant via the IS KADR. The applicant is entitled to comment on the route proposal via the IS KADR; if no comments are made, the route proposal is accepted. The applicant is obliged to accept the route proposal or send comments on the route proposal to the allocator:

- for requests submitted 3 or more working days before the intended train journey – within 24 hours of receiving the route proposal, but no later than 2 hours before the train's departure from the departure station according to the route proposal,
- for applications submitted less than 3 working days before the intended train journey – within 2 hours of receiving the proposed route, but no later than 2 hours before the train's departure from the departure station according to the proposed route.

The applicant is entitled to agree to the route proposal even before it is delivered to the applicant by stating this fact when submitting the application for ad hoc track capacity allocation; in such a case, the track capacity is allocated to the applicant automatically.

If the applicant does not submit any comments on the proposed route, the proposed route is considered accepted.

The allocator (operator) is obliged to confirm receipt of the application for ad hoc track capacity allocation within 5 working days of its delivery.

### ***Transport of exceptional consignments***

A consignment is considered exceptional if, due to its external dimensions, weight and/or nature, taking into account the railway vehicles used and the structural, technical and transport parameters of the railways concerned, its transport requires the adoption and implementation of special technical and/or operational measures on the part of any person involved in its transport.

The following are considered exceptional consignments:

- shipments exceeding the loading gauge, railway vehicles exceeding the clearance gauge,
- shipments exceeding the weight limit,
- shipments with exceptional length,
- other consignments:
  - passenger or freight trains exceeding the length standards according to this track declaration or track condition tables,
  - railway vehicles which, based on a decision by the relevant public authority, may be operated under special technical and operational conditions,
  - shipments loaded on wagons with more than 8 axles.

Exceptional consignments may only be transported after consultation with the railway operator.

Conditions and amount of financial guarantee in accordance with the directly applicable European Union regulation governing the criteria for applicants for the allocation of railway capacity, if such a guarantee is required

The allocator does not require a financial guarantee in accordance with Commission Implementing Regulation (EU) No 10/2015 of 6 January 2015 on criteria for applicants for the allocation of railway infrastructure capacity and repealing Implementing Regulation (EU) No 870/2014.

Conditions and principles for capacity allocation, including criteria for priority capacity allocation if the railway or part thereof is declared congested

In accordance with Section 34a of the Railways Act, the following rules apply to the allocation of track capacity when drawing up and amending the timetable.

If several applicants request the allocation of the same part of track capacity, the allocator shall schedule its allocation so as to satisfy each applicant and shall discuss this schedule with the applicants concerned.

If it is not possible to satisfy the individual requests of the applicants, the allocator shall proceed in accordance with the nature of the request in accordance with the provisions of Section 34a(4) and (9) of the Railways Act, i.e. if several applicants request the allocation of the same part of track capacity in the case of a railway or part thereof which has been designated by the Minister of Transport and Communications ( ) for priority allocation of railway capacity for the purpose of operating passenger or freight rail transport, the allocator shall schedule its allocation so as to be able to comply with each request for the allocation of railway capacity for the purpose of operating the relevant type of rail transport, and then, if there is still available railway capacity, with the other requests; discuss this schedule with applicants. The allocator may deviate from the requested share of track capacity to the extent necessary, while ensuring that international train routes are maintained where possible. The allocator shall provide the applicants concerned with the necessary information in good time before the schedule is discussed, in particular information on applications for the same train path capacity, information on other applications for capacity allocation on the line concerned and information on the scheduled allocation of train path capacity. The allocation body shall only provide the applicant's identification details with their consent.

If the procedure described in the previous point fails to satisfy all requests for track capacity allocation, the allocator shall declare the track or part thereof to be congested. On a

congested track or part thereof, the allocator shall give priority to requests for track capacity allocation:

1. for the purpose of operating rail transport on the basis of a public service contract for passenger transport,
2. combined transport, and
3. freight rail transport in which the train crosses the state border of the Czech Republic.

The priority allocation of track capacity shall be discussed by the allocator with the relevant applicants. If, even after discussion, it is not possible to satisfy all priority requests, the allocator shall allocate track capacity first for the purpose of operating rail transport on the basis of a public service contract for passenger transport, then combined transport, and then rail freight transport in which the train crosses the state border of the Czech Republic, if there is still track capacity available. Within the framework of rail transport based on a public service contract for passenger transport, the allocator shall allocate track capacity first for the purpose of operating rail transport in providing transport services for the state, then for rail transport in providing transport services for the region, and then for rail transport in providing transport services for the municipality.

**Procedure for processing applications for capacity allocation and deadlines for processing**  
The procedure for the allocation of railway capacity, including deadlines, is governed by special provisions of this railway statement, depending on the nature of the application (application for the allocation of railway capacity in the annual timetable or its changes, including late applications, application for the allocation of railway capacity on an ad hoc basis). When allocating track capacity, the allocator shall proceed in a manner that excludes any preferential treatment of any of the applicants.

**Procedure for regular changes to the valid timetable, dates of changes to the valid timetable and relevant deadlines**

With regard to the operator's rights set out in this track access statement, the allocator shall act in accordance with the rules laid down in the operator's valid and effective track access statement in relation to regular changes to the valid timetable.

**Conditions and principles for the withdrawal, restriction and surrender of allocated capacity, the procedure for withdrawal, restriction and surrender of capacity allocation and the relevant deadlines, including the conditions for surrendering allocated capacity on an overloaded track when it is partially or completely unused**

Withdrawal of allocated slot capacity means a unilateral action by the allocator to withdraw the capacity allocated to the applicant for reasons specified in this slot declaration or in generally binding legal regulations.

Restriction of allocated track capacity means a unilateral action by the allocator whereby it restricts the content or scope of the capacity allocated to the applicant for reasons specified in this track statement or in generally binding legal regulations.

Surrender of allocated track capacity means a unilateral action by the applicant whereby the applicant surrenders all or part of the allocated track capacity.

The allocator is entitled to withdraw the allocated track capacity from the applicant if:

- it has not been used for a period of one month,
- it is stipulated in the track statement issued by the operator,
- the relevant rail transport operator no longer meets the conditions for access to the track,
- the railway operator has not paid the price due for the use of the track, even in part and even within an additional period for performance,
- the railway operator uses the track in contravention of the allocated track capacity,

- the track capacity allocated on the track to which the track in question connects has been withdrawn, restricted or terminated as a result of the applicant's renunciation of this allocated track capacity.

The allocator is entitled to reduce the track capacity allocated to the applicant if the allocated track capacity has been used to less than 25% of the allocated track capacity (in train kilometres) during a period of one month.

The applicant is entitled to relinquish the allocated track capacity:

- via IS KANGO, for domestic routes in the case of renunciation before the regular change of the annual timetable, also in writing, whereby the moment of renunciation of the allocated track capacity is understood to be the moment of delivery of the request to the operator,
- via IS KADR, including data communication between the applicant's information system and IS KADR.

The allocator is also entitled to request the applicant to relinquish the allocated track capacity if this track capacity has been used to less than 50% of the allocated track capacity (in train kilometres) for reasons attributable to the applicant or the rail transport operator, which could have been influenced.

Neither the railway operator nor the allocator shall be liable to the applicant, which also means the authorised railway operator in the exercise of the rights constituting the content of the allocated track capacity, for restrictions on train movements, in particular those caused by:

- weather conditions preventing the proper operation of rail transport
- the traffic situation caused by extraordinary events within the meaning of the Railways Act, which do not arise in connection with causes attributable to the railway operator or the allocation holder in the performance of their duties related to the performance of their main activities or in the operation of the railway,
- rail transport operators in the event of a breach of their obligations in the operation of rail transport,
- restrictions on railway operation under the Railways Act,
- actions of third parties,
- the announcement of regulatory measures in rail transport by relevant generally binding legal regulations, in particular in crisis situations.

In these cases, neither the railway operator nor the allocator shall be liable to the applicant for compensation for damage.

If the applicant or a third party causes a restriction on the operation of a train of another railway operator, the railway operator is entitled to provide the affected railway operator with all available documentation to prove liability for the damage incurred.

In the event of a disruption to the smooth running of traffic for reasons attributable to the applicant (e.g. a train getting stuck on the track), the applicant is obliged to take immediate action at its own expense to remedy the disruption. The applicant is obliged to ensure that the cause of the disruption to the smooth running of traffic is remedied without delay in cooperation with the railway operator (with the employee organising rail transport).

The applicant is liable for any damage caused by the disruption to the railway operator, the allocation recipient, other applicants or third parties. Other applicants are obliged to cooperate in eliminating the cause of the disruption upon request, unless prevented from doing so by other serious circumstances. The costs associated with providing assistance shall be borne by the applicant who caused the disruption to the smooth running of traffic.

Definition of the track or part of the track on which track capacity will be allocated on a priority basis for the purpose of operating passenger rail transport or freight rail transport, specifying the available train routes, if such a track or part of the track has been designated in accordance with Section 34(5) of the Railways Act

The The tracks concerned are not designated tracks within the meaning of Section 34(5) of the Railways Act, i.e. the allocator does not allocate track capacity on the tracks concerned on a priority basis for the purpose of operating passenger rail transport or freight rail transport.

General provisions on the powers and competences of the administrative authorities of the Czech Republic in the field of railways and rail transport

The powers and competences of the administrative authorities of the Czech Republic in the field of railways and rail transport are governed in particular by the Railways Act.

Competence and powers:

- the authority issuing licences within the meaning of the Directive is exercised in the first instance by the Railway Authority,
- the safety authority within the meaning of the Safety Directive is exercised in the first instance by the Railway Authority,
- the regulatory authority within the meaning of the Directive is exercised by the Office for the Protection of Competition,

- the inspection body within the meaning of the Safety Directive is the Railway Inspectorate.

The appeal authority in the case of decisions issued by the Railway Authority is the Ministry of Transport; the Railways Act stipulates when it is not possible to appeal against a decision of the Railway Authority, or when it cannot be reviewed in review proceedings, or when it is possible to lodge objections against a decision of the Railway Authority.

Designation of the administrative authority competent to issue a licence for the operation of rail transport

The competent administrative authority for issuing licences for the operation of rail transport is:

- The Railway Authority, whose appeal body is the Ministry of Transport, in the case of applicants established (including secondary establishment) in the Czech Republic,
- the competent authority issuing licences to railway undertakings of another Member State in accordance with the legal system of the Member State of establishment of the relevant railway operator as a railway undertaking within the meaning of the Directive.

Designation of the administrative authority competent to issue the carrier's certificate

The competent administrative authority for issuing a carrier certificate is:

- The Railway Authority, whose appeal body is the Ministry of Transport, in the case of an applicant who does not hold a carrier certificate valid in the territory of another Member State of the European Union, applies for a carrier certificate only for the territory of the Czech Republic<sup>1</sup> and at the same time has chosen the Railway Authority as the competent authority; the Railways Act stipulates when it is not possible to appeal against a decision of the Railway Authority issued in a matter of a carrier certificate, nor to review this decision in review proceedings (Section 31a et seq. of the Railways Act),
- The European Union Agency for Railways in the case of an applicant whose carrier certificate is to cover at least the territory of two Member States of the European Union.

Conditions for issuing a licence to operate rail transport

The conditions for issuing a licence are laid down in:

- in the case of applicants for a licence established in the Czech Republic, Section 25 et seq. of the Railways Act,
- in the case of licence applicants not established in the Czech Republic, the legal provisions of the Member State of establishment of the applicant, which transpose and implement the objectives set out in the Directive.

Further provisions concern the conditions for issuing a licence laid down in Section 25 et seq. of the Railways Act. The issue of a licence means the granting of authorisation to operate rail transport on national and regional railways.

The Railway Authority shall, upon request, grant authorisation to operate rail transport on national and regional railways if the applicant

- is over 18 years of age and has full legal capacity, in the case of a natural person,
- has a clean criminal record; for the purposes of proceedings for the granting of authorisation to operate rail transport, a person who has been convicted of an intentional criminal offence or a criminal offence committed through negligence in connection with the operation of rail transport shall not be considered to have a clean criminal record, unless they are regarded as not having been convicted. A legal person shall also not be considered to be of good repute if a member of its statutory body has been convicted of an intentional criminal offence or a criminal offence

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<sup>1</sup> The territory of the Czech Republic also means the territory of another Member State within the scope of the railway section near the state border of the Czech Republic within the meaning of Section 31a(1) of the Railways Act.

committed through negligence in connection with the operation of rail transport, unless they are regarded as not having been convicted;

- is professionally competent; for the purposes of proceedings for the granting of a licence to operate rail transport, a person who has completed a bachelor's, master's or doctoral study programme in the field of technical sciences and technologies, transport, economics or law and has at least 3 years of experience in management in the field of rail transport, or has completed higher vocational education or secondary education with a school-leaving examination in fields related to rail transport in accordance with the DŘD and has at least 5 years of experience in management in the field of rail transport. A legal entity is also considered professionally competent if at least one member of its statutory body is professionally competent within the meaning of the previous sentence.
- is financially competent; for the purposes of proceedings for the granting of a licence to operate rail transport, a person who is able to financially secure the commencement and proper operation of rail transport for a period of at least 12 months is considered financially competent. A person whose bankruptcy is being resolved by a decision of an insolvency court declaring bankruptcy on the debtor's assets or authorising reorganisation, or in respect of whom an insolvency court has decided to cancel bankruptcy on the grounds that the debtor's assets are wholly insufficient to satisfy creditors, or who owes arrears in taxes, insurance premiums or social security penalties, contributions to state employment policy or general health insurance premiums.
- has not seriously violated labour law regulations,
- has not seriously violated customs regulations, in the case of authorisation to operate freight rail transport,
- is insured against the obligation to compensate for damage caused by such transport on the date of commencement of rail transport operations, and
- is established in the territory of the Czech Republic.

#### Conditions for issuing a carrier certificate

The conditions for issuing a carrier certificate are set out as follows:

- in the case of an applicant who does not hold a carrier certificate valid in the territory of another Member State of the European Union, applies for a carrier certificate only for the territory of the Czech Republic and at the same time has chosen the Railway Authority as the competent authority Section 31a et seq. of the Railways Act together with Commission Implementing Regulation (EU) 2018/763,
- in the case of other applicants for a carrier certificate, the legal regulations of the Member States concerned, together with Commission Implementing Regulation (EU) 2018/763.

Further provisions concern the conditions for issuing a carrier certificate laid down in Section 31a of the Railways Act.

An applicant for a carrier certificate is required to submit to the Railway Authority an application for a carrier certificate containing

- the requirements of Commission Implementing Regulation (EU) 2018/763,
- information on the type of operation, which means
  - passenger rail transport, including high-speed transport,
  - passenger rail transport not including high-speed transport,
  - rail freight transport including the transport of dangerous goods,
  - rail freight transport not including the transport of dangerous goods, or
  - shunting only,
- information on the area of operation, which means
  - national and regional railways,



- the section of the national or regional railway network on which the applicant intends to operate rail transport, or
- railway in the territory of another Member State on which the applicant intends to operate rail transport within the meaning of Section 31a(1) of the Railways Act,
- information on the scope of operations, meaning the estimated number of passengers and the amount of freight transported per year, and an estimate of whether the applicant will be a micro, small or medium-sized enterprise in terms of the estimated number of employees, medium-sized or large enterprise within the meaning of Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty, as amended.

The application for a carrier certificate shall be accompanied by the documents specified in Commission Implementing Regulation (EU) 2018/763.

The procedure to be followed by the applicant before submitting an application for a carrier certificate and the procedure for issuing a carrier certificate are laid down in Commission Implementing Regulation (EU) 2018/763.

The carrier certificate shall contain the particulars specified in Commission Implementing Regulation (EU) 2018/763 and information on the type, area and scope of operation.

Further details are set out in generally binding legal regulations published in the Collection of Laws and the Official Journal of the European Union (<https://www.mvcr.cz/clanek/sbirka-zakonu.aspx> and <https://eur-lex.europa.eu/homepage.html?locale=cs>).

Procedure and principles of the allocator in the out-of-court settlement of disputes between the allocator and the applicant for the allocation of track capacity, and the deadline for out-of-court settlement of disputes

For the purposes of out-of-court dispute resolution between the allocator and the applicant in the allocation of track capacity and in connection therewith, a dispute is understood to be a dispute that arises between the aforementioned persons in the allocation of track capacity or in connection therewith and which concerns the subject matter, content or scope of the part of the total track capacity required for the requested train route and in connection with the use of such part.

Out-of-court dispute resolution is not mandatory on the part of the applicant. The applicant is entitled to exercise its right to submit a proposal for a decision on whether the scope of the allocated track capacity or the procedure for its allocation is in conflict with generally binding legal regulations pursuant to Section 34f(1) of the Railways Act, regardless of any previous out-of-court settlement of the dispute between it and the applicant for the allocation of track capacity. The Office for the Protection of Competition shall decide on this proposal.

The person who resolves disputes out of court and impartially is the commercial company SART-stavby a rekonstrukce a.s., ID No.: 25898671, with its registered office at Uničovská 2944/1b, 787 01 Šumperk, registered in the Commercial Register maintained by the Regional Court in Ostrava, Section B, File 2550, e-mail address [sart@sart.cz](mailto:sart@sart.cz), data box address *fe5f7j9* (hereinafter referred to as the "arbitrator"). The arbitrator does not have the status of an arbitrator within the meaning of Act No. 216/1994 Coll., on Arbitration Proceedings and the Enforcement of Arbitral Awards, as amended, and its decision does not have the nature of an arbitral award or other authoritative decision on the rights or obligations of the parties to the dispute. The parties to the dispute are entitled to act in accordance with the arbitrator's decision in a manner that will resolve the dispute.

The claimant is obliged to notify the other party to the dispute of their intention to file a motion for out-of-court dispute resolution by an arbitrator at least three days before filing such a motion; if they fail to fulfil this obligation, they are not entitled to reimbursement of the arbitrator's fee in the amount specified below.

Přídělcce kapacity a.s., ID No.: 17984408, with its registered office at Litoměřická 213/30, 190 00 Prague 9, is a commercial company registered in the Commercial Register maintained by the Municipal Court in Prague, Section B, File 27925.

A fee of CZK 2,000 shall be paid to the arbitrator for initiating out-of-court dispute resolution, no later than at the time of filing the proposal for out-of-court dispute resolution. The person obliged to pay the fee is the claimant. If the arbitrator grants the motion in full, the unsuccessful party to the dispute is obliged to pay the claimant the amount of the fee paid by the claimant for initiating out-of-court dispute resolution.

The allocator stipulates that, in addition to the provisions of Section 33(3)(i) of the Railways Act, the arbitrator is required to be impartial. If the arbitrator is a person who, in view of his relationship to the matter or person (in particular the applicant), is not impartial, the parties to the dispute are obliged, without undue delay from the moment such an obstacle to the arbitrator's decision is discovered, to conclude an agreement designating another arbitrator who will be impartial. A party to the dispute is not entitled to refuse to conclude such an agreement without reason.

The proceedings before the arbitrator shall be in writing and closed to the public, and the individual acts within the framework of the out-of-court dispute resolution shall be delivered electronically between the parties to the dispute, as well as between the parties to the dispute and the arbitrator. The arbitrator shall be obliged to decide on the dispute no later than 10 working days from the date of delivery of a flawless proposal for out-of-court dispute resolution. The claimant is obliged to notify the other party to the dispute of the submission of the proposal for out-of-court dispute resolution; the arbitrator does not separately notify the other party to the dispute of the content of this proposal or of the commencement of out-of-court dispute resolution.

The content of the proposal for out-of-court dispute resolution shall include the identification of the parties to the dispute, a brief description of the facts in dispute between the parties (the subject matter of the dispute) and a proposal for the resolution of the dispute. If the proposal for out-of-court dispute resolution does not contain the required information, the arbitrator shall invite the claimant to remedy the defects in the proposal.

#### Conditions for reviewing a declaration of track by the ÚOHS

The ÚOHS reviews the track statement in proceedings initiated

- at the request of the applicant for the allocation of track capacity or
- ex officio.

In the proceedings, the ÚOHS assesses whether any part of the published track statement is in conflict with the Railways Act and directly applicable European Union legislation. If the track statement was published due to changes in the information contained therein, the proposal may only be submitted in relation to these changes.

The proposal must contain information on which part of the railway declaration is in conflict with the above-mentioned legal regulations, in what way this conflict is perceived, and an indication of the evidence necessary to prove it.

If the Office for the Protection of Competition decides that any part of the route declaration is in conflict with the above-mentioned legal regulations, it shall set a reasonable deadline in its decision, after which such part may no longer be used. The assignee shall replace the part that is in conflict with the above-mentioned legal regulations with a new part, which shall be recorded in the track statement and the track statement shall be republished.

The ÚOHS is obliged to issue a decision no later than 40 days from the date of commencement of the proceedings.

#### Conditions for reviewing capacity allocation by the ÚOHS

The ÚOHS reviews whether the scope of the allocated capacity or the procedure for its allocation is in conflict with the Railways Act and directly applicable European Union legislation in proceedings initiated

- at the request of an applicant for railway capacity allocation or
- ex officio.

The applicant's request for track capacity allocation must contain information on how the scope of the allocated track capacity or the procedure for its allocation is considered to be in conflict with the Railways Act or directly applicable European Union legislation, and an indication of the evidence needed to prove this.

If the ÚOHS decides that the scope of the allocated track capacity is in conflict with the Railways Act or directly applicable European Union legislation, it shall instruct the allocator to reallocate the track capacity and shall determine the method of such allocation.

The Office is obliged to issue a decision no later than 40 days from the date of commencement of the proceedings.

#### Conditions for reviewing a rail transport operation contract ÚOHS

The ÚOHS reviews whether a rail transport operation contract is in conflict with the Railways Act and directly applicable European Union legislation in proceedings initiated

- at the request of one of the parties to the rail transport operation contract or
- ex officio.

The proposal of one of the contracting parties to the rail transport operation agreement must contain information on which part of the agreement is in conflict with the Railways Act or directly applicable European Union legislation, in what way this conflict is perceived, and an indication of the evidence needed to prove it.

If the ÚOHS decides that any part of the rail transport operation agreement is in conflict with the Railways Act or directly applicable European Union legislation, it shall set a reasonable deadline in its decision, after which such part may no longer be used.

The ÚOHS is obliged to issue a decision no later than 40 days from the date of commencement of the proceedings.

#### Conditions for reviewing a draft rail transport operation contract by the ÚOHS

The ÚOHS reviews whether the draft railway transport operation contract is in conflict with the Railways Act and directly applicable European Union legislation in proceedings initiated

- at the request of one of the parties participating in the negotiations on the conclusion of a rail transport operation contract, or
- ex officio.

The proposal of any of the contracting parties participating in the negotiations on the conclusion of a railway transport operation agreement must contain information on which part of the draft agreement is in conflict with the Railways Act or directly applicable European Union legislation, where this conflict is perceived, and an indication of the evidence needed to prove it.

If the Office for the Protection of Competition decides that any part of the draft contract for the operation of rail transport is in conflict with the Railways Act or directly applicable European Union legislation, it shall set a reasonable time limit in its decision, after which such part may not be used.

Until the conclusion of proceedings initiated at the request of one of the parties participating in the negotiations on the conclusion of a rail transport operation agreement, such an agreement may not be concluded.

Model draft agreement on penalty payments for disruption of rail transport operations and non-utilisation of allocated track capacity, including an impartial method of out-of-court dispute resolution concerning disruption of rail transport operations

The allocator shall not impose penalty payments for disruption of rail transport operations. Penalties for non-utilisation of allocated track capacity shall not be applied.

For the purposes of out-of-court dispute resolution between the allocator and the applicant concerning disruption of rail transport operations and in connection therewith, a dispute is understood to be a dispute that arises between the aforementioned persons in the application of rules concerning disruption of rail transport operations or in connection therewith.

Out-of-court dispute resolution is not mandatory for the applicant.

The person who resolves disputes out of court and impartially is the commercial company SART-stavby a rekonstrukce a.s., ID No.: 25898671, with its registered office at Uničovská 2944/1b, 787 01 Šumperk, registered in the Commercial Register maintained by the Regional Court in Ostrava, Section B, File 2550, e-mail address [sart@sart.cz](mailto:sart@sart.cz), data box address *fe5f7j9* (hereinafter referred to as the "arbitrator"). The arbitrator does not have the status of an arbitrator within the meaning of Act No. 216/1994 Coll., on Arbitration Proceedings and the Enforcement of Arbitral Awards, as amended, and its decision does not have the nature of an arbitral award or other authoritative decision on the rights or obligations of the parties to the dispute. The parties to the dispute are entitled to act in accordance with the arbitrator's decision in a manner that will resolve the dispute.

The claimant is obliged to notify the other party to the dispute of their intention to file a motion for out-of-court dispute resolution by an arbitrator at least three days prior to filing such a motion; if they fail to fulfil this obligation, they are not entitled to reimbursement of the arbitrator's fee in the amount specified below.

A fee of CZK 2,000 shall be paid to the arbitrator for initiating out-of-court dispute resolution, no later than at the time of filing the motion for out-of-court dispute resolution. The person obliged to pay the fee is the claimant. If the arbitrator grants the motion in full, the unsuccessful party to the dispute is obliged to pay the claimant the amount of the fee paid by the claimant for initiating out-of-court dispute resolution.

The allocator stipulates that the arbitrator is required to be impartial. If the arbitrator is a person who, in view of his relationship to the matter or to a person (in particular the claimant), is not impartial, the parties to the dispute are obliged, without undue delay from the moment such an obstacle to the arbitrator's decision is discovered, to conclude an agreement

designating another arbitrator who will be impartial. A party to the dispute is not entitled to refuse to conclude such an agreement without reason.

The proceedings before the arbitrator shall be in writing and closed to the public, and the individual acts within the framework of the out-of-court dispute resolution shall be delivered electronically between the parties to the dispute, as well as between the parties to the dispute and the arbitrator. The arbitrator shall be obliged to decide on the dispute no later than 10 working days from the date of delivery of a flawless proposal for out-of-court dispute resolution. The claimant is obliged to notify the other party to the dispute of the submission of the proposal for out-of-court dispute resolution; the arbitrator does not separately notify the other party to the dispute of the content of this proposal or of the commencement of out-of-court dispute resolution.

The content of the proposal for out-of-court dispute resolution shall include the identification of the parties to the dispute, a brief description of the facts in dispute between the parties (the subject matter of the dispute) and a proposal for the resolution of the dispute. If the proposal for out-of-court dispute resolution does not contain the required information, the arbitrator shall invite the claimant to remedy the defects in the proposal.

Conditions for the provision of services through service facilities accessible from a designated track, the price for the provision of these services and the price for the use of a siding serving to connect the service facilities, according to information provided by the operator of the service facilities or siding

The allocator states that there is no siding on the tracks concerned that would serve to connect the service facilities.

Service facilities accessible from the track concerned are, within the meaning of Section 3(1) of Decree No. 76/2017 Coll., on the content and scope of services provided by carriers, track operators and service facility operators, as amended, the following operational components of a railway station or stop:

- information systems for passengers on train arrivals and departures, closures, carrier services and other transport connections within integrated transport systems,
- signs indicating access to trains,
- waiting rooms for passengers,
- toilet facilities for passengers, and
- railway yards for train assembly and shunting of railway vehicles.

The Allottee states that the services provided in and through the above-mentioned service facilities are not available at all railway stations and stops on the lines concerned. The scope and content of the services provided through the service facilities are set out in Annex 3 to this track statement.

Services through service facilities are provided to individual applicants free of charge.

Model draft framework agreement between the allocator and the applicant for the allocation of railway capacity

The allocator in connection with the performance of the main activities of the railway operator in accordance with Article 14 of Commission Implementing Regulation (EU) 2016/545 of 7 April 2016 on procedures and criteria for framework agreements for the allocation of railway infrastructure capacity, declares that it does not offer or apply framework agreements in connection with the allocation of track capacity on the tracks concerned.

Information on planned changes in track access charges and track capacity allocation charges over the next five years, if available

Depending on changes in economically justified costs (direct costs related to train operation), the allocator plans to implement changes in track access charges and track capacity

allocation charges over the next five years, generally with effect from the first day of validity of the relevant annual timetable.

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Capacity Allocation Company a.s.  
Mgr. Jan Lexa, Member of the Board of Directors

Annex No. 1 to the railway declaration

Basic structural and technical parameters of the railway, including the designation of the beginning and end of the railway, as well as operational and technical characteristics in accordance with the list kept pursuant to Section 23(1)(f) of the Railways Act

Regional railway line Čížkovice – Obrnice

Start of the line: Čížkovice (km 4.023)

End of line: Obrnice (km 232.846)

Track length: 34.817 km

Official authorisation to operate the railway: official authorisation issued by the Railway Authority on 1 March 2017, ref. no. ÚP/2017/8021

Points of contact between the railway and other railways: Čížkovice railway station at km 4.023 of the Lovosice – Louny regional railway, Obrnice railway station at km 232.846 of the Žatec – Obrnice national railway, both railways operated by SŽ

Track gauge: 1435 mm (standard)

Traction system: the railway is not electrified

Braking distance: 700 m

Standard train length N: 240 m

Standard train length O: 40 m

Freight train length in individual sections of the line: according to TTP

Track load class with associated speed in km/h: C3/50, B2/100

Spatial clearance: Z-GČD

Minimum curve radius: 190 m

Decisive gradient: 11 ‰ (in the direction from the beginning to the end of the line), 24.1 ‰ (in the direction from the end to the beginning of the line)

Track radio communication: the basic track radio communication is GSM-R

Other structural and technical parameters are included in the track conditions tables published on the websites of the track operator and the track allocator.

Regional line Dolní Bousov – Kopidlno

Start of the line: Dolní Bousov (km 34.385)

End of line: Kopidlno (km 25.501)

Track length: 22.370 km

Official authorisation to operate the railway: official authorisation issued by the Railway Authority on 1 March 2017, ref. no. ÚP/2017/8020

Points of contact between the railway and other railways: Dolní Bousov railway station at km 34.385 of the Mladá Boleslav city – Stará Paka regional railway, Kopidlno railway station at km 25.501 of the Jičín – Nymburk city regional railway, both railways operated by SŽ

Track gauge: 1435 mm (standard)

Traction system: the railway is not electrified

Braking distance: 400 m

Standard train length N: 224 m

Standard train length O: 35 m

Freight train length in individual sections of the line: according to TTP

Track load class with associated speed in km/h: C3/60

Spatial clearance: Z-GČD

Decisive gradient: 14 ‰ (in the direction from the beginning to the end of the line), 15 ‰ (in the direction from the end to the beginning of the line)

Track radio connection: the basic track radio connection is GSM-R

Other structural and technical parameters are included in the track conditions tables published on the websites of the track operator and the track allocator.

## Annex No. 2 to the railway declaration

### Pricing rules in terms of track capacity allocation charges and track access charges

General rules for pricing in the case of track capacity allocation charges and track access charges

When setting pricing rules, the allocator performs one of its main activities, in which it does not take into account the instructions of the railway operator.

When setting the pricing rules for the above prices, the allocator is obliged to base them on generally binding legal regulations, in particular

- Act No. 526/1990 Coll., on prices, as amended,
- the relevant decision of the pricing authority establishing the rules for price regulation (price decision of the Ministry of Finance),
- Commission Implementing Regulation (EU) 2015/909 of 12 June 2015 on the methods for calculating costs directly incurred for the operation of rail transport.

The applicant (rail transport operator) has, within the framework of the right of access to the railway concerned, to the extent of the use of the railway at such a regulated price (objectively adjusted) for services within the scope specified in Section 2 of Decree No. 76/2017 Coll. on the content and scope of services provided by carriers, railway operators and service facility operators, as amended. This is the so-called minimum access package within the meaning of Annex II to Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area.

The allocator states that when applying the pricing rules, the general rule relating to the application of the rules on access to the railway by individual applicants, which is the prohibition of discrimination, shall apply; discrimination against an applicant shall not be understood to mean different treatment on the basis of a legitimate reason.

Value added tax at the rate specified by generally binding legal regulations is added to the prices.

Tax documents are issued by the allocator in electronic form in accordance with Act No. 235/2004 Coll., on value added tax, as amended. Unless the applicant specifies otherwise, they are delivered to the applicant's data box. In the case of applicants who do not have a data box (in particular natural persons for whom a data box is not established by law, legal entities that are not established in the Czech Republic, etc.), the applicant is obliged to provide an e-mail address to which the allocator will send the tax document in electronic form.

The allocation of the price for the allocation of track capacity and the price for the use of the track is carried out by the allocator for the calendar month in which:

- the track capacity was allocated to the applicant, in the case of the price for the allocation of track capacity, and
- the applicant (authorised rail transport operator) used or should have used the railway in the exercise of its rights under the allocated track capacity, in the case of the price for the use of the railway.

The price for the allocation of track capacity and the price for the use of the track are invoiced by means of tax documents, which are payable by the thirtieth day of the calendar month following the calendar month in which the event decisive for the issuance of the tax document occurred. The bank account number of the assignee to whom the price for the allocation of track capacity and the price for track use are paid, and other payment details (variable symbol, etc.) are stated in this tax document.

### Price for the allocation of track capacity and rules for its calculation

The price for the allocation of track capacity is determined in accordance with the rules of price regulation on the basis of the direct costs incurred by the assignee in connection with the allocation of track capacity through the operator.

The price for track capacity allocation is determined based on:

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- the length of time between the date of submission of the application for train path allocation and the date on which the intended first use of the train path to be allocated is to take place,
- the relationship between the request for track capacity allocation and the date of the annual timetable or its planned change,
- the complexity of processing the request.

The price for the allocation of track capacity includes:

- reimbursement of the operator's economically justified costs incurred in connection with the allocation of track capacity,
- reimbursement of the operator's economically justified costs incurred in connection with the processing of the timetable allocated to the applicant's request for track capacity allocation (excluding the costs of printing and distributing aids),
- reimbursement of economically justified costs incurred by the operator in connection with the operational introduction of the train, including additional costs incurred in connection with the short-term discussion and processing of the application.

The price for the allocation of track capacity is calculated according to the following formula:

Price = S x number of days of travel [CZK]

where:

S	unit rate for track capacity allocation [CZK]
Number of days of travel	number of days for which the relevant route is allocated [day]

The rates for track capacity allocation are listed in the following table.

Product	Rate S
Application for allocation of track capacity to the annual timetable, including late applications	300
Application for allocation of track capacity to a planned change to the annual timetable	CZK
Application for allocation of track capacity on an ad hoc basis – P3 product	CZK
Application for allocation of track capacity on an ad hoc basis – product N3	CZK
Request for ad hoc track capacity allocation – TB product	CZK 550
Request for ad hoc track capacity allocation – ZK product	CZK 1,030
Request for ad hoc track capacity allocation – UI product	CZK 0
Request for ad hoc track capacity allocation – OM product	CZK
Request for ad hoc track capacity allocation – JD product	0

Price for track use and rules for its calculation

The price for track use by a train travelling on the tracks concerned depends on the length and parameters of the track travelled, the purpose of rail transport (passenger or freight transport), the parameters of the train and, where applicable, other factors in accordance with this track statement (transport of exceptional consignments). In the case of passenger train journeys, the price for track use also includes the price for the use of access roads for passengers on passenger trains.

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The price is determined by a calculation based on the actual scope of services provided by rail transport operators on the track concerned. Services in a given billing period are understood to mean train- and kilometres (train-km) and gross tonne-kilometres (gross-tonne-km) calculated as the product of train-km and the gross weight of the train.

The price for access routes for passengers on passenger trains is part of the regulated price for track use based on the actual costs directly related to the operation, maintenance, lighting and cleaning in relation to the running of the train in question in the case of platforms and their equipment (shelters, lighting, benches, seats, luggage storage areas and litter bins), crossings and paths intended for passenger access to platforms, including their roofing and lighting, as well as signs with the name of the railway station or stop and the direction of travel of the train. The categorisation of railway stations and stops "n" is based on the structural and technical nature of the access routes, whereby the following applies to the classification of individual railway stations and stops into the relevant category:

- Category 11 – railway stations with grade-separated access to all platforms
- Category 12 – railway stations with grade-separated access to only some platforms,
- category 13 – railway stations without level access to platforms,
- category 14 – stops with grade-separated access to platforms,
- category 15 – stops without level access to platforms, including stops on single-track lines with a single platform next to a building (shelter).

A train is defined as a coupled and suspended group of railway vehicles, consisting of at least one traction vehicle and one hauled railway vehicle, marked with specified signals, accompanied by a train crew and running according to a timetable or according to the instructions of a professionally competent person controlling railway transport, or a separate traction rail vehicle or special vehicle with its own propulsion, or at least two coupled traction rail vehicles, marked with specified signals, accompanied by a train crew and running according to the timetable or according to the instructions of a professionally competent person controlling rail transport.

### ***Basic prices and calculation formula***

The base price is the price calculated according to the calculation formula using unit prices set for passenger trains or freight trains. The following calculation formula is used to calculate the base price:

$$C = C_1 + C_2 + C_{PK}$$

$C_1$	price for track use (based on kilometres travelled)
$C_2$	price for track use (in terms of train-kilometres)
$C_{PK}$	price for the use of access roads in the case of passenger trains

At the same time, the following applies:

$$C_1 = S_1 \times L$$

$S_1$	[CZK] price per 1 km of train travel depending on the purpose of the train (passenger or freight)
$L$	[km] is the distance travelled by the train rounded to one decimal place

$$C_2 = S_2 \times Q \times L$$

$S_2$	[CZK] is the price per 1,000 gross tonne kilometres (gtkm) transported, which
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	depends on the purpose of the train (passenger or freight)
Q	[gross tonnes in thousands] is one thousandth of the gross weight of the train in tonnes, which is calculated as the total weight of the train including cargo and passengers transported ( ); the weight of passengers transported is calculated as the product of the total capacity of the train determined by the number of seats and 80 kg
L	is the distance travelled by the train [km] rounded to one decimal place

$$C_{PK} = \sum_{n=1}^{15} (Z_n^{PK} \times m_{PK} \times N_{zn})$$

$C_{PK}$	[CZK] is the price for access roads at railway stations and stops along the entire route of the train
$Z_n^{PK}$	[CZK/stop*t] basic price for one planned stop of a passenger train for passengers to board and/or alight at railway stations and stops of category "n"
$m_{PK}$	[t] train weight for calculating the price for access routes; for the purposes of calculating this component of the track access charge, this is the total weight of the train reduced by the weight of active traction vehicles without the possibility of passenger transport according to the REVOZ operator's information system, rounded up to whole tonnes. For the purposes of calculating this component of the track access charge, the train composition is the data provided by the rail transport operator in the operator's IS COMPOST system and in accordance with the operator's internal regulation Is 10.
$N_{zn}$	[planned number of train stops] planned number of passenger train stops for passengers to board and/or alight at railway stations and stops of category "n" in accordance with the parameters of the allocated train route

#### Track access charges – passenger train, Čížkovice – Obrnice railway line

Type of price	Unit of performance	Price [CZK] per unit of performance
$S_1$	vlkm	5.72
$S_2$	1000 hrtdkm	31.34

#### Track access charges – freight train, Čížkovice – Obrnice railway line

Type of price	Unit of performance	Price [CZK] per unit of performance
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S <sub>1</sub>	vlkm	34.50
S <sub>2</sub>	1000 hrtkm	34.92

**Track access charges – passenger train, Dolní Bousov – Kopidlno railway line**

Type of price	Unit of performance	Price [CZK] per unit of performance
S <sub>1</sub>	vlkm	5.08
S <sub>2</sub>	1000 hrtkm	27.86

**Track access charges – freight train, Dolní Bousov – Kopidlno railway line**

Type of price	Unit of performance	Price [CZK] per unit of performance
S <sub>1</sub>	vlkm	30.67
S <sub>2</sub>	1000 hrtkm	31.04

**Rates for planned train stops for passengers boarding and/or alighting**

Categories of stations and stops for calculating prices for access roads "n"	Base price Z <sub>n</sub> <sup>PK</sup> [CZK/stop*t]
11	0.08
12	0.09
13	0.05
14	0.04
15	0.06

**Classification of individual railway stations and stops in category "n"**

<i>Name of railway station or stop</i>	<i>Category "n"</i>
Bělušice	15
Dětenice	13
Dlažkovice	15
Ledkov	15
Libáň	15
Libčeves	13
Osenice	15
Podsedice	15
Rabakov	15
Rokytnany	15
Řítonice	15
Sedlec u Obrnic	15
Semeč	15
Sinutec	15
Skršín	15
Třebenice	13
Třebenice town	15
Třebívlice	13
Židonice	15

**Price for publishing a printed timetable**

The price for publishing a printed timetable secured through the operator is CZK 10,000 for each commenced page of A5 format (122x188 mm) for the period of validity of the timetable.

### Appendix No. 3 to the track statement

#### Scope and content of services provided through service facilities

##### Regional railway line Čížkovice – Obrnice

- individual stops and railway stations, unless otherwise specified:
  - passenger information systems on train arrivals and departures, closures, carrier services and other transport connections within integrated transport systems,
  - signs indicating access to trains,
- Libčeves railway station, Třebenice railway station and Třebívlice railway station
  - passenger information systems on train arrivals and departures, closures, carrier services and other transport connections within integrated transport systems,
  - signs indicating access to trains,
  - waiting rooms for passengers,
  - toilet facilities for passengers, and
  - railway yards for train assembly and shunting of railway vehicles.

##### Regional railway Dolní Bousov – Kopidlno

- individual stops and railway stations, unless otherwise specified:
  - passenger information systems on train arrivals and departures, closures, carrier services and other transport connections within integrated transport systems,
  - signs indicating access to trains,
- Dětenice railway station
  - passenger information systems on train arrivals and departures, closures, carrier services and other transport connections within integrated transport systems,
  - signs indicating access to trains,
  - waiting rooms for passengers,
  - toilet facilities for passengers, and
  - railway yard for train assembly and shunting of railway vehicles.

Annex No. 4 to the railway declaration

## Model contract for the allocation of railway capacity

Capacity Allocator a.s., ID No.: 17984408,  
with its registered office at Litoměřická 213/30, 190 00 Prague 9,  
a commercial company registered in the Commercial Register maintained by the Municipal  
Court in Prague, Section B, File 27925,  
as the allocator

and

*the applicant's identification details*  
as the applicant

conclude this  
agreement on the allocation of track capacity

## Article I.

1. The Allocator is an impartial allocator performing main activities in relation to the railway lines, regional lines Dolní Bousov – Kopidlno and Čížkovice – Obrnice (hereinafter collectively referred to as “regional lines”).
2. The applicant is interested in accessing the regional railways, either directly, if it is an authorised rail transport operator, or through an authorised rail transport operator.
3. The applicant declares that it is an authorised rail transport operator, i.e. it holds all public authorisations to operate rail transport on regional railways; if the applicant is not such an authorised rail transport operator, they declare that they have a contractual relationship with such an authorised rail transport operator, under which the relevant rail transport operator is authorised and obliged to use the track capacity that will be allocated to the applicant in the event of the anticipated circumstances.

## Article II.

1. The applicant declares that, in connection with its intention to obtain access to regional railways or parts thereof, in particular to request the allocation of railway capacity on regional railways or parts thereof, and the exercise of rights arising from such allocation of track capacity, the applicant undertakes to act in accordance with the rules arising from the valid and effective track statement issued by the allocator in connection with the performance of its main activities in relation to railway tracks (hereinafter referred to as the “track statement”), as well as with other rules contained in the acts to which the track access statement refers. The applicant is aware of the allottee's right to amend the track access statement in the event of circumstances arising that are provided for in generally binding legal regulations, in particular the Railways Act.
2. The applicant declares that they are familiar with the content of the track declaration.
3. The contracting parties agree that, in particular
  - a. the price for the allocation of track capacity and the price for the use of the track are agreed on the basis of the rules set out in the valid and effective track statement. These prices are invoiced and payable in the manner and under the conditions set out in the valid and effective track statement,
  - b. the rules for the allocation, surrender, restriction and withdrawal of track capacity are laid down in a valid and effective track access statement, which the contracting parties also undertake to comply with.
4. The applicant further declares that it is aware of the obligations associated with submitting an application for the allocation of track capacity by an applicant who does

not hold a railway transport operating licence ( ), if applicable, in particular the obligation to submit to the allocator a declaration by such an authorised rail transport operator to use the allocated track capacity when submitting an application for such track capacity allocation.

5. The applicant acknowledges that the allocated track capacity is non-transferable in accordance with the Railways Act, i.e. the transfer of such allocated track capacity is absolutely invalid; if the applicant transfers the allocated track capacity to another person for consideration, the allocator shall withdraw the capacity thus transferred. The applicant also acknowledges that in the event of such withdrawal of the allocated track capacity, no further track capacity may be allocated to the applicant for a period of 12 months from the date of withdrawal of the track capacity.
6. The applicant agrees that the allocator is entitled to disclose all facts relating to the relationship between the allocator and the applicant in connection with the performance of the allocator's main activities on regional railways to the operators of these railways, for the purpose of exercising the rights and obligations of both contracting parties in connection with the operation of the railway on regional railways by the railway operator and the operation of rail transport on regional railways by the rail transport operator.
7. The contracting parties acknowledge that matters not expressly regulated by this agreement are governed by generally binding legal regulations, in particular Act No. 266/1994 Coll., on railways, as amended, its implementing regulations, as well as the relevant legal regulations of European Union law.
- 8.

#### Article III.

1. This Agreement is made in two copies, one for each of the Contracting Parties.
2. Amendments to this Agreement shall only be made in writing.
3. If any provision of this agreement proves to be invalid, illegal or unenforceable, the contracting parties undertake, at the request of either of them, to conclude an amendment to this agreement, whereby the provision affected by such defect shall be replaced by a provision that is free of such defect, while maintaining the economic meaning and purpose of the replaced provision.
4. All provisions of this agreement must be interpreted in accordance with generally binding legal regulations and a valid and effective track declaration.
5. This agreement is governed by the laws of the Czech Republic. The courts of the Czech Republic shall have jurisdiction to settle any disputes arising from this agreement.

In \_\_\_\_\_ on \_\_\_\_\_

\_\_\_\_\_  
Assignee

\_\_\_\_\_  
applicant

**Appendix No. 5 Declaration on career path**  
**Contact details**

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*Operator (SŽ)*

According to the valid and effective operator's track statement.