



Příděle kapacity, a.s.

**Declaration on the track of the regional regional railways Čížkovice - Obrnice
and Dolní Bousov - Kopidlno**

**valid and effective for the allocation of railway capacity during the period of
validity and effectiveness of the timetable 2024/2025**

within the meaning of Section 33 of Act No. 266/1994 Coll., on Railways, as amended.

The railway to which the declaration applies: the regional railway Čížkovice - Obrnice and the regional railway Dolní Bousov - Kopidlno (hereinafter jointly referred to as "the affected railway", individually "the affected railway"); the basic structural-technical parameters of the affected railway, including the designation of the beginning and end of the railway, as well as the operational-technical characteristics in accordance with the list maintained pursuant to § 23 para. 1(f) of the Railways Act is contained in Annex 1 to this track declaration; other structural technical parameters of the affected tracks are contained in the track ratio tables published on the websites of the railway operator <http://www.azd.cz> and the allocator <http://www.pridelce.cz>. The form and content of the track gauge tables comply in particular with Section 1(r) in conjunction with Section 4(4) and (5) of Decree No 173/1995 Coll., which issues the Railway Traffic Code, as amended.

The railways concerned are not railways or sections of railways with exclusive train operation under the supervision of the European Train Control System.

Independent Allocator: the Allocator of Capacity a.s., ID No.: 17984408, with registered office at Litoměřická 213/30, 190 00 Prague 9, a company registered in the Commercial Register maintained by the Municipal Court in Prague, Section B, Insert 27925 (hereinafter also referred to as the "Allocator").

Runway Owner: AŽD Praha s.r.o., ID No.: 48029483, with registered office at Žirovnická 3146/2, Záběhlice, 106 00 Prague 10, a company registered in the Commercial Register maintained by the Municipal Court in Prague, Section C, Insert 14616.

Runway operator: AŽD Praha s.r.o., ID No: 48029483, with registered office at Žirovnická 3146/2, Záběhlice, 106 00 Praha 10, a company registered in the Commercial Register kept by the Municipal Court in Prague, Section C, Insert 14616; the railway operator operates the affected railways as a vertically integrated undertaking through the branch *railway operator*, which is located at the address of the railway operator's registered office.

Operator: the Railway Administration, state organisation, ID: 70994234, with registered office at Dlážďená 1003/7, 110 00 Prague 1, state organisation registered in the Commercial Register kept by the Municipal Court in Prague, Section A, Insert 48384; the operator performs certain functions related to the allocation of railway capacity on the basis of contracts concluded with the railway operator and the allocator.

Definition of basic terms

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

DŘD - Decree No. 173/1995 Coll., which issues the railway transport regulations, as amended

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

Commission Implementing Regulation (EU) 2018/763 - Commission Implementing Regulation (EU) 2018/763 of 9 April 2018 laying down practical rules for the issuing of single safety certificates to railway undertakings pursuant to 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

Allocator - Přídělcce kapacity a.s., ID No.: 17984408, with registered office at Litoměřická 213/30, 190 00 Prague 9, a company registered in the Commercial Register maintained by the Municipal Court in Prague, Section B, Insert 27925, as an independent allocator

Rail operator - AŽD Praha s.r.o., ID No: 48029483, with registered office at Žirovnická 3146/2, Záběhlice, 106 00 Prague 10, a company registered in the Commercial Register kept by the Municipal Court in Prague, Section C, Insert 14616; the rail operator operates the affected railways as a vertically integrated undertaking through the branch rail operator

Owner of the railway - AŽD Praha s.r.o., ID: 48029483, with registered office at Žirovnická 3146/2, Záběhlice, 106 00 Prague 10, a company registered in the Commercial Register maintained by the Municipal Court in Prague, Section C, Insert 14616

SŽ - Správa železnic, státní organizace, ID No: 70994234, with registered office at Dlážděná 1003/7, 110 00 Prague 1, registered in the Commercial Register kept by the Municipal Court in Prague, Section A, Insert 48384, as a person fulfilling 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, among others, in particular in the Railways Act and directly applicable sources of European Union law

ŽST - railway station

General provisions on the nature of this track declaration

This track declaration is prepared by the allocator within the meaning of Section 33(1) of the Railway Act in connection with the fulfilment of the allocator's obligations to the affected tracks and contains in particular non-discriminatory rules for the allocation and withdrawal of track capacity, for access to and use of the affected tracks and for the calculation of the price for such use, and is published on the allocator's website <http://www.alloce.cz> and at the same time of the railway operator <http://www.azd.cz> in a manner allowing remote access and free of charge; in the event of a conflict (inconsistency) between the versions so published, the version published on the allocator's website shall prevail. At least 30 days before the date of publication of the track statement, the allocator gave interested persons the opportunity to comment on its content; no comments on the content of the track statement were received by the allocator. The allottee shall publish the track statement in the Czech language and in a translation into English. In the event of a conflict between the Czech and the foreign language version of the track declaration, the Czech version shall prevail.

This track declaration is valid for the period of validity of the 2024/2025 timetable; for the avoidance of doubt, the allocator shall act in accordance with this track declaration when allocating track capacity, whereby the rights from the track capacity so allocated shall be exercised from 15 December 2024 to 13 December 2025, the change in the person of the allocator in relation to the tracks concerned having occurred during the period of allocation of track capacity for the period of validity of the 2024/2025 timetable.

The change in the personality of the allocator (or the determination that the main activities are performed by the allocator) is necessitated by bringing the factual situation in the operation of the railways concerned

into line with generally binding legal regulations, i.e. the performance of the main activities by the allocator in the capacity of an independent allocator.

With regard to the change in the person of the allocator in the period relevant for the allocation of railway capacity relating to the period of validity of the timetable 2024/2025, the railway operator and the allocator jointly declare that:

- the change in the person of the allottee does not affect the rights of those applicants who were allocated track capacity for the period of validity of the 2024/2025 timetable by the previous allottee (person exercising the rights and obligations of the allottee) and according to the previously effective track declaration, whereby a change in the person of the allottee has taken place by trilateral agreement between the allottee, the previous allottee (person exercising the rights and obligations of the allottee) and the applicant to whom the track capacity has been allocated,
- Applicants who have been allocated track capacity for the 2024/2025 timetable period by the previous allocator and according to the previously effective track declaration have consented to a change in the person of the allocator, which is an act whose sole purpose and intent is to give effect to the exercise of rights and obligations by an independent allocator within the meaning of the relevant provisions of the Railway Act,
- the allocator shall allow the exercise of the rights of the applicants constituting the content of the allocated runway capacity according to the rules determined by the previous allocator and according to the previously effective runway declaration; this is without prejudice to the obligation of the allocator and the runway operator to act in accordance with generally binding legal regulations.

The content of this track statement may not be deviated from when concluding a contract for the operation of rail transport on the track in question or changing it. This track statement shall specify, inter alia, the content of the contractual obligation relationship established between the railway undertaking and the relevant railway undertaking by the track operation contract.

An applicant, other than a railway undertaking, which submits an application to the Allocator for the allocation of track capacity undertakes to act in accordance with the contents of this Track Statement.

All provisions of this Railway Declaration 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 a Euroconformist manner, in particular in the spirit of the Directive.

The grantor shall be obliged to record without delay in this track declaration any changes to the data contained in this declaration within the meaning of Section 33(5) of the Railway Act.

Establishing rules for access to and use of the runway

The right of access to the runway concerned can be exercised:

- directly in the case of persons who are authorised railway undertakings within the meaning set out below in the case of those applicants who are also such authorised railway undertakings, or
- through authorised railway undertakings as defined below in the case of applicants who have been allocated capacity on the railway concerned and who are applicants other than authorised railway undertakings as defined below.

Any applicant shall be obliged to demonstrate to the allocator or the operator, depending on whether it concerns the allocation of track capacity or the exercise of rights constituting the content of 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 content of the right to use the allocated track capacity. The preceding sentence shall apply mutatis mutandis to the use of the runway by the authorised railway undertaking in cases where the runway capacity is not allocated (in particular in the case of a shift, a shift between transport services, etc.).

An authorised railway transport operator means a person authorised to operate railway transport on the railway concerned in terms 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,

- is the holder of a valid licence and a carrier's certificate issued by the railway administrative authority or the European Union Agency for Railways, whose territorial scope concerns the Czech Republic and whose material scope concerns the railway concerned,
- has allocated track capacity or is entitled to exercise rights from track capacity allocated to another applicant who is not also an authorised railway undertaking,
- has a contract for the operation of rail transport with the railway operator,
- is the insured in terms of statutory liability insurance of the railway transport operator in the event of an obligation to compensate for damage caused by this operation, which is a prerequisite for the granting of the authorisation to operate railway transport, in the scope of insurance benefits of at least CZK 50 million. CZK for one calendar year and one insured event.

An applicant shall be understood as another natural or legal person who is not at the same time the holder of a valid licence for the operation of rail transport on the railway concerned; this applicant shall be obliged to submit to the allocator, before the allocation of the railway capacity, a written declaration from the railway undertaking which will exercise the rights from the allocated railway capacity (licence holder) that, in the event of the allocation of the railway capacity, this capacity will actually be used by the relevant railway undertaking; furthermore, the allocation of track capacity to the applicant shall be subject to the conclusion of a written contract between the allocator and the applicant for the allocation of track capacity to the applicant, by which the applicant undertakes to comply with the rules laid down in this track statement. Such a declaration may be made by only one licensee for a specific part of the runway capacity. If the applicant fails to submit such a declaration, the track capacity shall not be allocated to him by the allocator.

The grantor stipulates that the right of access to the railway concerned (use of the allocated railway capacity) may only be exercised using such railway vehicles that can be operated on the railway concerned in accordance with generally binding legal regulations, in particular the Railway Act and European Union legislation. This rule is without prejudice to the applicant's right to carry exceptional consignments under the conditions laid down in this track statement.

In exercising the right of access to the railway concerned, the applicant undertakes to act in accordance with the technological regulations of the railway undertaking specified in the contract for operation of rail transport or the technological regulations of the railway undertaking otherwise referred to in the contract for operation of rail transport.

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 greater than 3 hours before the allocated time position (headway) or 20 hours after the allocated time position (delay). If the carrier requires a higher deviation, it must submit an application for a new allocation of track capacity.

Track capacity shall be deemed to be used on a particular day in terms of the allocated train path if it has been used between at least two service points on that day. This means that an applicant cannot claim multiple use of one business case and one allocated data timetable for multiple trains for a specific day.

Price for the use of the runway and rules for its calculation

The price for the use of the runway, including the rules for its calculation, is set out in Annex 2 to this Runway Statement.

Price for the allocation of runway capacity and rules for its calculation

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

Definition of the capacity of the runway, including the part of the runway reserved for the intended maintenance and repair of the route

During the period of validity of the timetable 2024/2025, the grantor shall define the capacity of the line, including the part of the line reserved for the intended maintenance and repair of the track, to the extent that the technical capacity of the line is such that at least three train paths can be defined in each direction and along the entire section of the line within one calendar day, and that these paths correspond in their parameters to the path of a freight train driven by a traction unit capable of reaching and maintaining the

highest line speed; this provision does not exclude the right of the railway undertaking to restrict the operation of the railway for reasons laid down by law, in particular § 23b et seq. Act on Railways.

The applicants entitled to use the reserved capacity of the runway 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 maintenance or repair of the track, or for the purpose of measuring and diagnosing technical parameters of the track, etc.),
2. applicants whose track capacity allocated by the allocator is limited by maintenance or repair work, only to the extent that this limitation is reduced,
3. other applicants in the event that the reserved runway capacity is not used in the manner specified in the preceding paragraphs.

Rules for the allocation and withdrawal of runway capacity, including the allocation of capacity in an emergency situation

The Allocator states that, by a separate contractual arrangement between the Allocator and the Operator, the Operator has delegated to the Operator certain rights and obligations in the allocation of runway capacity; the Operator is entitled to deal directly with the applicant for the allocation of runway capacity in exercising 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 of the timetable,
- ensuring the construction of the annual timetable and the production of tabular timetables and timetable drawings, including changes to them,
- ensuring the production of timetable data tables for passengers (book timetable), including the incorporation of any additional and tariff information, including its modification,
- ensuring the preparation of the draft timetable for passenger and freight rail transport, including its publication and discussion in the manner and within the time limits set out in Section 34a of the Railways Act.

The Allocator allocates track capacity within the scope of the train path. The track capacity for the running of the shifting section including the shift between the transports as well as for the running of the railway vehicle on the excluded track and the running of the railway vehicle from the excluded track shall not be allocated.

Railway capacity may only be allocated to an applicant who meets the conditions laid down in this track statement and in generally binding legal regulations, and if the railway concerned allows such allocation.

An applicant intending to submit an application for the allocation of railway capacity for the purpose of operating passenger rail transport without a public passenger service contract pursuant to a directly applicable European Union regulation governing the economic balance test shall notify the Office for Harmonisation in the Internal Market and the allocator of this fact no later than 18 months before the date on which the timetable comes into force. The allocator shall not allocate track capacity for the purpose of operating passenger rail transport without a public passenger service contract unless the applicant has notified its intention to do so, unless the track in question is not operated under a public passenger service contract and there is no threat of such operation. The allocator shall also not allocate the track capacity until the decision of the Office for the Protection of Competition enters into legal force if a request has been submitted for an assessment of the threat to the economic balance of passenger rail transport operated under a public passenger service contract on the railway concerned or on a section thereof as a result of the operation of passenger rail transport operated without such a contract.

Requirements for the application for allocation of runway capacity

The application for allocation of runway capacity must include:

1. identification of the applicant with data enabling his/her identification within the meaning of generally binding legal regulations (in the case of a natural person, 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. the definition of the required share of the total capacity of the line in the form of a train path defined by a starting point and a destination point; unless otherwise agreed between the grantor and the applicant, the train must not be repeated in the same direction on any section of the line,
3. definition of the required share of the total capacity of the line in the form of time data crucial 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 stay),
4. the type of train which is to use the capacity of the line in case of its allocation, as well as an indication of the operational and technical parameters of the train(s), in particular the maximum weight, maximum speed, length of the train, the worst line class of the train's rail vehicle, the method and mode of braking, the maximum braking percentage of the train and the rolling resistance of the rail vehicles,
5. the type of traction of the traction units of the train, the number of these units with the definition of their type or series, the definition of the required technological operations in relation to these traction units (e.g. switching, etc.); this provision does not apply to traction units which are considered as towed units for the purpose of train running,
6. the moment or period of use of such route(s) within the period for which the track capacity is allocated (e.g. daily, on working days, within a defined period, etc.),
7. the mode of operation of rail transport, in the course of which the train is to be operated (e.g. public passenger rail transport, etc.); if the train is to be operated in connection with the operation of rail transport in the performance of obligations under a public passenger service contract, or in the performance of obligations imposed by a decision of the customer, this fact shall be stated in the application for allocation of railway capacity,
8. the information to be published in the annual timetable as notes (including notes of a tariff nature), as well as the time and place limitations of these notes,
9. the type and scope of services required,
10. other requirements of the applicant in terms of the running of railway vehicles and the occupation of tracks in the perimeter of the transport station (transport point) where the train route starts or ends, as well as technological operations in connecting transport stations (transport points),
11. in the case of an application for ad hoc (individual) allocation of railway capacity, the indication of technology in the destination and waypoint if a stay or technological operation is foreseen in the affected point before or after the train's arrival or if the applicant requires any further cooperation from the railway undertaking,
12. known extraordinariness in relation to the train.

In the event of a change in the facts referred to in points 1 to 6 above, then depending on the nature of such change, if it occurs within the annual timetable compilation, the Allocator shall assess whether the change constitutes a mere modification of the application without affecting its nature or whether the application has been changed to a late application for the allocation of railway capacity. An amendment to an application is a change to the application by the applicant to the extent and at the time that necessitates a change in the parameters of the route already constructed by the allocator (operator). The deadlines for the submission of the application to the annual timetable are published by the operator in the relevant operator's path statement or on the Rail Operating Portal (<http://www.provoz.spravazeleznice.cz>). The applicant is responsible for the completeness of the content, factual correctness and other requirements of the application for allocation of railway capacity.

Type of request for allocation of railway capacity in terms of when it is submitted

In accordance with generally binding legal regulations, in particular § 34a et seq. of the Railway Act, the application for allocation of railway capacity is divided into the following in terms of the time of application:

- applications, on the basis of which the railway capacity is allocated when the timetable is prepared and amended,
- applications, on the basis of which track capacity is allocated after the timetable comes into force.

Within the limits of the Railway Act, the allocator then divides individual applications for the allocation of railway capacity into:

- request for allocation of railway capacity in the annual timetable,

- late request for allocation of railway capacity in the annual timetable,
- request for allocation of railway capacity pending a change to the annual timetable,
- request for individual ad hoc allocation of railway capacity (i.e. after the annual timetable has entered into force).

Method of submitting a request for allocation of railway capacity in the annual timetable and its amendments

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

The annual timetable aids are available on the website of the railway undertaking and on the website of the allocator.

An application for the allocation of runway capacity shall be made to the allocator via the operator, and shall

- by using the operator's information system IS KANGO, which is available on the Operator's Track Operation Portal at <http://www.provoz.spravazeleznic.cz>, or
- in writing via the postal licence holder (e.g. by sending to a data box, by mail sent to the address of the operator's registered office) or by personal delivery to the operator's mailroom 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 Runway Operation Portal in sufficient time to enable it to submit a proper and timely application for the allocation of runway capacity.

In terms of determining the time of delivery of the request for the allocation of track capacity, the time of delivery of a given calendar day (hour, minute) is decisive. The request for the allocation of track capacity is delivered to the operator in the case of an application submitted via:

- IS KANGO at the moment of forwarding the request for allocation of the runway capacity in IS KANGO,
- of the postal licence holder at the moment of delivery of the application for allocation of the runway capacity.

The process of allocating railway capacity to the annual timetable can be described in terms of the individual phases as follows:

- acceptance of a request for allocation of railway capacity in the annual timetable,
- submission of a proposal for the design of train routes,
- acceptance by the applicant of this draft design of train paths, or rejection by the applicant of this draft design of train paths with reasons,
- where appropriate, discussing the intended allocation of runway capacity with applicants where two or more applicants have applied for allocation of the same part of the runway capacity, including, where appropriate, declaring the runway or part of the runway congested,
- allocation of runway capacity.

The rules of the process set out above shall apply mutatis mutandis to the process of allocating track capacity in the context of a planned change to the annual timetable.

In the event that the applicant intends to accept the proposed route (train timetable) or to reject the proposed route with reasons, he/she is entitled to do so via IS KANGO or in writing to the relevant timetable department of the operator. The applicant who wishes to reject the route proposal with reasons (to send comments on the route proposal submitted) must do so within the time limit set, otherwise he/she is deemed to accept the route proposal. The assignor shall comment on any comments made by the applicant before the allocation of the path capacity.

If the route proposal is accepted by the applicant, the operator will process this route into the annual timetable (or its amendment) and into the annual timetable aids (annual timetable amendment).

In terms of the individual acts of allocating track capacity to the annual timetable, the deadlines and times set out in this track statement and the relevant operator's track statement published for the relevant timetable period, which is available on the website <http://www.spravazeleznic.cz>, shall apply.

A late application for the allocation of railway capacity shall be understood as an application submitted by an applicant after the deadline for submitting an application for the allocation of railway capacity to the annual timetable but before the allocation of railway capacity to applicants to the annual timetable. The allocator shall take the late application into account when allocating capacity and preparing the draft timetable, where possible. On the basis of a late application, only the track capacity remaining after the satisfaction of applications submitted before the deadline for the submission of applications for the allocation of track capacity to the annual timetable may be allocated. If several late applications are made for the allocation of the same part of the track capacity, the allocator shall allocate the capacity in order of their ranking. Where late applications coincide, the allocator shall stagger the allocation so as to be able to accommodate each applicant and shall discuss this staggering with the applicants concerned. If more than one applicant applies for the allocation of the same part of the track capacity in the case of a track or part of a track which has been designated for priority allocation of track capacity for the operation of passenger or freight rail services, the allocator shall allocate the allocation so as to be able to meet each application for allocation of track capacity for the operation of the relevant type of rail service, and then, if there is remaining available track capacity, to the other applications, and shall discuss this allocation with the applicants. The allocator may deviate from the required share of track capacity to the extent necessary; in doing so, he shall take care to maintain international train paths where possible. The allocator shall provide the applicants concerned with the necessary information well in advance of the discussion of the timetable, in particular details of applications for the allocation of the same part of the track capacity, details of other applications for the allocation of capacity on the track concerned and details of the scheduled allocation of track capacity. The identity of the applicant shall be provided by the allocator only with the consent of the applicant.

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

Method of application for ad hoc allocation of track capacity

Upon request, the Allocator shall provide data on the remaining available capacity of the runway within 5 working days from the date of receipt of the request for such data.

Rail capacity is allocated on the basis of an ad hoc request for allocation of rail capacity until the next planned change to the annual timetable, always within the remaining available rail capacity.

The application for allocation of ad hoc track capacity shall be submitted to the allocator via the operator via the operator's information system IS KADR, which is available on the Operator's Track Operation Portal at <http://www.provoz.spravazeleznice.cz>.

The applicant is obliged to apply to the operator for access rights to the Operator's Track Operation Portal in sufficient time to enable it to submit a proper and timely application for capacity allocation.

In terms of determining the time of delivery of the request for the allocation of track capacity, the time of delivery of a given calendar day (hour, minute) is decisive. The request for allocation of track capacity is delivered to the operator at the moment of its submission in IS KADR.

An amendment to an application for ad hoc allocation of track capacity is always considered a new application.

In the context of ad hoc allocation of runway capacity, the allocator shall apply individual products according to the operator's runway declaration, i.e.:

- request for ad hoc allocation of runway capacity (product P3),
- request for ad hoc allocation of runway capacity (product N3),
- request for ad hoc allocation of track capacity for the purpose of conducting a technical safety test of a railway vehicle (TB product),
- request for ad hoc allocation of track capacity for the purpose of conducting a test run of rail vehicles of an unapproved type or running at a speed higher than line speed (ZK product),

- request for ad hoc allocation of runway capacity for maintenance or repair of the runway of the track operator (UI product),
- request for ad hoc allocation of track capacity due to infrastructure constraints of the track operator (OM product),
- request for ad hoc allocation of track capacity for journeys for other reasons on the part of the allocator or the track operator (JD product).

The ad hoc allocation of track capacity shall be carried out in the event that two or more applicants apply for the same share of track capacity, similarly to the allocation of track capacity to the annual timetable.

The draft route is delivered to the applicant via IS KADR. The applicant is entitled to submit comments on the draft route via the KADR IS; if he does not submit such comments, the draft route is accepted. The applicant is obliged to accept the draft route or to send comments on the draft route to the allocator:

- for applications submitted 3 working days or more before the intended train journey - within 24 hours of receipt of the draft route, but no later than 2 hours before the train departs from the departure station according to the draft route,
- for requests submitted less than 3 working days before the intended train journey - within 2 hours of receipt of the draft route, but no later than 2 hours before the train departs from the departure station according to the draft route.

The applicant is entitled to agree to the route proposal before it is delivered to the applicant by indicating this fact when submitting the request for ad hoc allocation of track capacity; in this case, the track capacity is allocated to the applicant automatically.

If the applicant does not comment on the route proposal, the route proposal is deemed to be accepted.

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

Transport of extraordinary shipments

A consignment is extraordinary if, because of 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, it requires the adoption and implementation of special technical and/or operational measures on the part of any person involved in its carriage.

The following are considered extraordinary shipments:

- consignments exceeding the loading gauge, railway vehicles exceeding the cross-section,
- overweight shipments,
- shipments of extraordinary length,
- other shipments:
 - a passenger or freight train exceeding the length standards in accordance with this track statement or the track ratio tables,
 - a railway vehicle which may be operated under special technical and operational conditions on the basis of a decision of the competent public authority,
 - shipments loaded on vehicles with more than 8 axles.

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

The conditions and amount of the financial guarantee according to the directly applicable European Union regulation governing the criteria for applicants for the allocation of railway capacity, if such a guarantee is required

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

Conditions and principles for the allocation of capacity, including criteria for priority allocation of capacity when a runway or part of a runway is declared congested

In accordance with Section 34a of the Railway Act, the following rules apply when allocating railway capacity in the preparation of the timetable and its amendment.

If more than one applicant applies for an allocation of the same part of the track capacity, the allocator shall allocate the allocation in such a way as to be able to accommodate each applicant and shall discuss this allocation with the applicants concerned.

In the event of the impossibility of granting individual requests of applicants, the allocator proceeds in accordance with the provisions of Section 34a(4) and (9) of the Railway Act, i.e. if more than one applicant applies for allocation of the same part of the track capacity in the case of a track or part of a track which has been designated for priority allocation of track capacity for the purpose of operation of passenger or freight rail transport, the allocator shall schedule its allocation in such a way as to be able to meet each application for allocation of track capacity for the purpose of operation of the relevant type of rail transport, and then, if there is remaining available track capacity, the other applications; this schedule shall be discussed with the applicants. The allocator may deviate from the required share of track capacity to the extent necessary; in doing so, he shall take care to maintain international train paths where possible. The allocator shall provide the applicants concerned with the necessary information well in advance of the discussion of the timetable, in particular details of applications for the allocation of the same part of the track capacity, details of other applications for the allocation of capacity on the track concerned and details of the scheduled allocation of track capacity. The identity of the applicant shall be provided by the allocator only with the consent of the applicant.

If the procedure referred to in the previous paragraph fails to satisfy all the requirements for the allocation of runway capacity, **the allocator shall declare the runway or part of the runway concerned to be congested**. On the congested runway or part thereof, the allocator shall give priority to requests for allocation of runway capacity:

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

The Allocator shall discuss the priority allocation of runway capacity with the relevant applicants. If, even after discussion, all priority applications cannot be granted, the allocator shall allocate the track capacity first for the purpose of operating rail transport on the basis of a public service contract for passenger transport, then for combined transport and then for rail freight transport in which the train crosses the state border of the Czech Republic, if there is still available track capacity. Within the framework of rail transport on the basis of a contract for public passenger transport services, the allocator shall allocate railway capacity first for the purpose of operating rail transport in the provision of transport services to the State, then for rail transport in the provision of transport services to the region and then for rail transport in the provision of transport services to the municipality.

Procedure and time limits for processing a capacity allocation request

The procedure of the grantor for handling a request for allocation of track capacity, including time limits, shall be governed by specific provisions of this track statement depending on the nature of the request (request for allocation of track capacity to the annual timetable or its amendment, including late requests, request for ad hoc allocation of track capacity). In allocating track capacity, the assignor shall proceed in a manner that excludes any advantage to any applicant.

Procedure for regular changes to the timetable in force, dates of changes to the timetable in force and the relevant deadlines

With respect to the Operator's authority as set forth in this Track Statement, the Allocator shall act in accordance with the rules set forth in the Operator's current and effective Track Statement in connection with a periodic change to the applicable schedule.

The conditions and principles for withdrawal, limitation and relinquishment of allocated capacity, the procedure for withdrawal, limitation and relinquishment of allocated capacity and the relevant time limits, including the conditions for relinquishing allocated capacity on a congested runway in the event of partial or total non-use

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

Limitation of the allocated capacity of a runway shall mean a unilateral action by the allocator to limit the content or extent of the capacity allocated to the applicant for the reasons set out in this declaration on the runway or in generally binding legal regulations.

Surrender of allocated runway capacity means a unilateral action by the applicant to surrender all or part of the allocated runway capacity.

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

- has not been used for one month,
- if the path declaration issued by the operator so provides,
- the relevant railway undertaking has ceased to comply with the track access conditions,
- the railway undertaking has failed to pay the price due for the use of the railway, even in part and even within the additional period for performance,
- the railway undertaking uses the track in contravention of the allocated track capacity,
- the track capacity allocated on the runway to which the runway concerned adjoins has been withdrawn, reduced or extinguished as a result of the applicant giving up this allocated track capacity.

The grantor is entitled to limit the applicant's allocated runway capacity if the allocated runway capacity has been used in less than 25% of the allocated runway capacity (in train kilometres) in a period of one month.

The applicant is entitled to waive the allocated runway capacity:

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

The grantor is also entitled to require the applicant to relinquish the allocated track capacity if this track capacity has been used to an extent of less than 50% of the allocated track capacity (in train kilometres) for reasons beyond the control of the applicant or the railway undertaking.

Neither the railway undertaking nor the allocator shall be liable to the applicant, which includes the authorised railway undertaking in the exercise of the rights forming the content of the allocated railway capacity, for any restriction of train movements, in particular due to the influence:

- weather conditions preventing the proper operation of rail transport
- traffic situations caused by extraordinary events within the meaning of the Railway Act, which do not arise in connection with causes lying on the side of the railway operator or the allocator in the performance of duties related to the performance of main activities or in the operation of the railway,
- the railway undertaking in the event of a breach of its obligations in the operation of rail transport,
- restrictions on the operation of the railway according to the Railway Act,
- the actions of third parties,
- the announcement of regulatory measures in rail transport by the relevant generally binding legal regulations, especially in crisis situations.

In these cases, neither the railway operator nor the allocator is liable to the applicant for compensation for damages.

If the applicant or a third party causes a restriction on the train of another railway undertaking, the railway undertaking is entitled to provide the injured railway undertaking with all available documents to prove liability for the damage.

In the event that the continuity of operation is disrupted for reasons on the applicant's side (e.g. a train is stuck on the line), the applicant is obliged to act immediately at its own expense to remove the disruption. The applicant must ensure that the reason for the disruption is remedied without delay in cooperation with the railway undertaking (the staff member organising the rail transport).

The applicant shall be liable for any damage caused by the disruption to the railway operator, the allottee, other applicants or third parties. Other applicants shall, upon request, cooperate in removing the cause of the disturbance, unless prevented from doing so by other compelling circumstances. The costs of providing assistance shall be borne by the applicant who caused the disturbance.

Designation of the track or part thereof on which track capacity will be allocated on a priority basis for the purpose of operating passenger rail transport or freight rail transport, with an indication of the available train paths, if such a track or part thereof has been designated pursuant to section 34(5) of the Railways Act

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

General Provisions on the Powers and Competence of Administrative Bodies of the Czech Republic in the Field of Railways and Rail Transport

The competence and powers of the administrative bodies of the Czech Republic in the field of railways and rail transport are regulated in particular by the Railways Act.

Scope and competence:

- the licensing authority within the meaning of the Directive shall be exercised in the first instance by the Railway Authority,
- the safety authority within the meaning of the Safety Directive shall be exercised in the first instance by the Railway Authority,
- regulatory authority within the meaning of the Directive is exercised by the OCC,
- inspection body within the meaning of the Safety Directive is performed by the Railway Inspectorate.

The Ministry of Transport is the appeals authority for decisions issued by the Railway Office; the Railways Act stipulates when a decision of the Railway Office cannot be appealed against, or cannot be reviewed in a review procedure, or when objections can be lodged against a decision of the Railway Office.

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

The competent administrative authority to issue a licence for the operation of rail transport is:

- The Railway Authority, whose appeal body is the Ministry of Transport, in the case of applicants who are established (including secondary establishment) in the Czech Republic,
- the competent authority issuing a licence to railway undertakings of another Member State under the law of the Member State of establishment of the railway undertaking concerned as a railway undertaking within the meaning of the Directive.

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

The competent administrative authority to issue the carrier's certificate is:

- The Railway Office, 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 EU Member State, applies for the issue of a carrier certificate only for the territory of the Czech Republic¹ and at the same time chooses the Railway Office as the competent authority; the Railways Act stipulates when no appeal can be lodged against a decision of the Railway Office issued in respect of a carrier certificate, nor can this decision be reviewed in a review procedure (Section 31a et seq. of the Railways Act),
- the European Union Agency for Railways in the case of an applicant whose transport operator's certificate is to cover the territory of at least two Member States of the European Union.

Conditions for the issue of a licence for the operation of rail transport

The conditions for issuing a licence shall be as follows:

- in the case of applicants for a licence established in the Czech Republic, § 25 et seq. of the Railway Act,
- in the case of applicants for a licence not established in the Czech Republic, the legislation of the Member State of establishment of that applicant, transposing and implementing the objectives set out in the Directive.

Other provisions relate to the conditions for the issue of a licence set out in Section 25 et seq. of the Railways Act. Issuance of a licence means granting authorisation to operate rail transport on national and regional railways.

The railway authority shall grant, on application, authorisation to operate rail transport on national and regional railways if the applicant

- is over 18 years of age and fully capable of exercising his/her legal capacity if he/she is a natural person,
- is of good repute; for the purposes of the procedure for granting authorisation to operate a railway undertaking, a person who has been convicted of a deliberate or negligent criminal offence in connection with the operation of a railway undertaking shall not be deemed to be of good repute unless he is treated as if he had not been convicted. A legal person shall also not be deemed to be of good repute if a member of its statutory body has been finally convicted of a deliberate or negligent criminal offence committed in connection with the operation of rail transport, unless he is treated as if he had not been convicted;
- is professionally qualified; for the purposes of the procedure for granting authorisation to operate rail transport, a person is considered to be professionally qualified if he/she has completed a bachelor's, master's or doctoral degree programme in the field of technical sciences and technology, transport, economics or law and has completed at least 3 years of experience in management activities in the field of rail transport, or has completed higher vocational education or secondary education with a matriculation examination in fields related to rail transport according to the DŘD and has completed at least 5 years of experience in management activities in the field of rail transport. A legal person shall also be deemed to be professionally qualified if at least one member of its statutory body is professionally qualified within the meaning of the preceding sentence.
- is financially fit; for the purposes of the procedure for granting authorisation to operate by rail, a person shall be deemed to be financially fit if he or she is financially capable of ensuring the commencement and proper operation of rail transport for a period of at least 12 months. A debtor whose bankruptcy is resolved by a decision of the insolvency court declaring bankruptcy on the debtor's property or authorising reorganisation, or whose insolvency court has decided to annul

¹ The territory of the Czech Republic shall also mean the territory of another Member State within the scope of the railway section in the vicinity of the state border of the Czech Republic within the meaning of Section 31a(1) of the Railway Act.

the bankruptcy on the grounds that the debtor's property is wholly insufficient to satisfy creditors, or who owes arrears of taxes, social security contributions or penalties, state employment policy contributions or general health insurance premiums, shall not be deemed to be financially fit.

- has not seriously breached labour law,
- has not seriously breached customs regulations in respect of the authorisation to operate rail freight transport,
- is insured on the date of commencement of operation of the rail transport in the event of an obligation to compensate for damage caused by such operation; and
- is established in the Czech Republic.

Conditions for the issue of a carrier's certificate

The conditions for issuing the certificate shall be set by the carrier:

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

Other provisions relate to the conditions for the issue of a carrier's certificate as set out in Section 31a of the Railways Act.

The applicant for the issue of a carrier's certificate is obliged to submit to the Railway Authority an application for the issue of a carrier's certificate containing

- the requirements under Commission Implementing Regulation (EU) 2018/763,
- details of the type of operation, which means
 - o passenger rail transport including high-speed transport,
 - o passenger rail transport not including high-speed transport,
 - o rail freight transport including the transport of dangerous goods,
 - o rail freight transport not involving the transport of dangerous goods, or
 - o exclusively shift,
- details of the area of operation, which shall be understood as
 - o national and regional railways,
 - o the section of the national or regional railway on which the applicant intends to operate rail transport, or
 - o a 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 Railway Act,
- information on the scale of the operation, meaning the expected number of passengers and the amount of freight transported per year and whether the applicant will be a micro, small, 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 accordance with Articles 107 and 108 of the Treaty, as amended.

The application for a carrier's certificate shall be accompanied by documents in accordance with Commission Implementing Regulation (EU) 2018/763.

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

The carrier's certificate shall contain the particulars in accordance with Commission Implementing Regulation (EU) 2018/763 and the type, area and scope of operation.

Further details are laid down in generally binding legislation 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 for the out-of-court settlement of disputes between the allocator and the applicant for the allocation of railway capacity and the time limit for the out-of-court settlement of disputes

For the purposes of out-of-court dispute resolution between the allocator and the applicant in the course of and in connection with the allocation of railway capacity, a dispute shall be understood as a dispute arising between those persons in the course of or in connection with the allocation of railway capacity and relating to the subject matter, content or extent of a part of the total railway capacity required for the requested train path 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 motion to the parties to issue a decision as to whether the scope of the allocated track capacity or the procedure for its allocation is not contrary to generally binding legal regulations pursuant to Section 34f(1) of the Railway Act, regardless of the previous out-of-court settlement of the dispute between the applicant and the applicant for the allocation of track capacity. The Authority shall decide on this application.

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, Insert 2550, e-mail address 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 and the Enforcement of Arbitral Awards, as amended, and her decision is not in 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 result in the settlement of the dispute.

The claimant shall notify the other party to the dispute of its intention to submit a proposal for an out-of-court settlement of the dispute by an arbitrator at least three days before such submission; if it fails to do so, it shall not be entitled to payment of the arbitrator's fee in the amount set out below.

A fee of CZK 2,000 shall be paid to the arbitrator for initiating an out-of-court settlement of the dispute at the same time as the submission of the proposal for out-of-court settlement. The person obliged to pay the fee is the claimant. In the event that the arbitrator grants the application in full, the unsuccessful party to the dispute shall be obliged to pay to the claimant the amount of the fee paid by the claimant for the initiation of the out-of-court dispute resolution.

The allottee stipulates that the arbitrator is required to be impartial over and above the provisions of Section 33(3)(i) of the Railways Act. In the event that the arbitrator is a person who is not impartial with respect to the matter or person (in particular the claimant), the parties to the dispute shall, without undue delay from the time such impediment to the arbitrator's determination of the dispute is identified, enter into an agreement appointing another arbitrator who shall be impartial. A party to the dispute shall not be entitled to unreasonably refuse to enter into such an agreement.

Proceedings before the arbitrator shall be in writing and not public, and individual acts within the framework of 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 decide on the dispute no later than 10 working days from the date of receipt of the defect-free out-of-court settlement request. 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 shall not separately notify the other party to the dispute of the content of the proposal or of the initiation of the out-of-court dispute resolution.

The content of the proposal for out-of-court dispute resolution is 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 settlement does not contain the specified elements, the arbitrator shall invite the claimant to eliminate the defects in the proposal.

Conditions for the review of a declaration of a pathway by the CAA

The Office of the Competition Authority is examining the declaration of a pathway in proceedings initiated by

- at the proposal of the applicant for the allocation of railway capacity or

- ex officio.

In the proceedings, the Office is assessing whether any part of the published declaration on the railway is in breach of the Railway Act and directly applicable European Union legislation. Where a track statement has been published because of changes to the information contained therein, an application may be brought only in respect of those changes.

The application must state which part of the track declaration is in conflict with the above legislation, where the conflict is perceived to lie and the evidence needed to prove it.

If the CAA decides that any part of the track declaration is contrary to the above-mentioned legal provisions, it shall set a reasonable time limit in the decision after which such part cannot be used. The grantor shall replace the part which is contrary to the above legislation with a new part which it shall record in the track statement and republish the track statement.

The CAA is obliged to issue a decision within 40 days of the date of initiation of the proceedings.

Conditions for the review of the allocation of capacity by the CAA

ÚOHS examines whether the scope of the allocated capacity or the procedure for its allocation is not contrary to the Railway Act and directly applicable EU legislation in proceedings initiated by

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

The applicant's proposal for the allocation of railway capacity must contain information on how the scope of the allocated railway capacity or the procedure for its allocation is in conflict with the Railway Act or directly applicable European Union legislation and the evidence needed to prove it.

If the CAA decides that the extent of the allocated track capacity is contrary to the Railway Act or directly applicable European Union legislation, it shall order the allocator to reallocate the track capacity and shall determine the manner of such allocation.

The CAA is obliged to issue a decision within 40 days of the date of initiation of the proceedings.

Conditions for the review of the contract for the operation of rail transport by the Office of the Public Prosecutor's Office

ÚOHS is examining whether the contract for the operation of rail transport does not contravene the Railways Act and directly applicable European Union legislation in proceedings initiated by

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

The proposal of one of the contracting parties to the contract for the operation of rail transport must contain information on which part of the contract is in conflict with the Railway Act or directly applicable European Union legislation, in which this conflict is perceived and identification of the evidence needed to prove it.

If the CAA decides that any part of the contract for the operation of rail transport is contrary to the Railway Act or directly applicable European Union legislation, it shall set a reasonable time limit in the decision, after which such part may not be used.

The CAA is obliged to issue a decision within 40 days of the date of initiation of the proceedings.

Conditions for the review of the draft contract for the operation of rail transport by the Office for the Protection of Competition

ÚOHS is examining whether the draft contract for the operation of rail transport does not contravene the Railways Act and directly applicable European Union legislation in proceedings initiated by

- at the proposal of one of the parties involved in the negotiations for the conclusion of the contract for the operation of rail transport, or
- ex officio.

The proposal of one of the contracting parties participating in the negotiations on the conclusion of a contract for the operation of rail transport must contain information on which part of this draft contract is in conflict with the Railway Act or directly applicable European Union legislation, in which this conflict is perceived and identification of the evidence needed to prove it.

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

Until the conclusion of the proceedings initiated on the proposal of one of the parties involved in the negotiations on the conclusion of the contract for the operation of rail transport, the contract cannot be concluded.

Model draft arrangement on penalty payments for disruption of rail transport operations and non-use of allocated rail capacity, including an impartial method of out-of-court settlement of disputes relating to disruption of rail transport operations

The allocator shall not apply penalty payments for disruption of rail transport operations.

Penalties for non-use of allocated runway capacity do not apply.

For the purposes of out-of-court settlement of disputes between an allottee and an applicant relating to or in connection with a disruption of rail traffic, a dispute is a dispute arising between those persons in the application of the rules relating to a disruption of rail traffic.

Out-of-court dispute resolution is not mandatory on the part of 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 kept by the Regional Court in Ostrava, Section B, Insert 2550, e-mail address 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 and the Enforcement of Arbitral Awards, as amended, and her decision is not in 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 result in the settlement of the dispute.

The claimant shall notify the other party to the dispute of its intention to submit a proposal for an out-of-court settlement of the dispute by an arbitrator at least three days before such submission; if it fails to do so, it shall not be entitled to payment of the arbitrator's fee in the amount set out below.

A fee of CZK 2,000 shall be paid to the arbitrator for initiating an out-of-court settlement of the dispute at the same time as the submission of the proposal for out-of-court settlement. The person obliged to pay the fee is the claimant. In the event that the arbitrator grants the application in full, the unsuccessful party to the dispute shall be obliged to pay to the claimant the amount of the fee paid by the claimant for the initiation of the out-of-court dispute resolution.

The allottee stipulates that the arbitrator is required to be impartial. In the event that the arbitrator is a person who is not impartial with respect to the matter or person (in particular, the claimant), the parties to the dispute shall, without undue delay from the time such impediment to the arbitrator's determination of the dispute is discovered, enter into an agreement by which they shall appoint another arbitrator who shall be impartial. A party to the dispute shall not be entitled to unreasonably refuse to enter into such an agreement.

Proceedings before the arbitrator shall be in writing and not public, and individual acts in the framework of 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 decide on the dispute no later than 10 working days from the date of receipt of the defect-free proposal for out-of-court settlement. 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 shall not separately notify the other party to the dispute of the content of the proposal or of the initiation of the out-of-court dispute resolution.

The content of the proposal for out-of-court dispute resolution is 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 settlement does not contain the specified elements, the arbitrator shall invite the claimant to eliminate the defects in the proposal.

The conditions for the provision of services by means of service facilities accessible from the designated runway, the price for the provision of these services and the price for the use of the siding used to connect the service facilities, as provided by the operator of the service facility or siding

The allottee submits that there is no siding extending into the affected tracks to connect the service facilities.

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

- information systems for passengers on train arrivals and departures, closures, carrier services and other transport links within integrated transport systems,
- signs indicating access to trains,
- waiting areas for passengers,
- sanitary facilities for passengers and
- track for train assembly and moving of railway vehicles.

The allottee submits that the services provided in and through the said service facilities are not available at all railway stations and stops on the affected railways. A definition of the scope and content of the services provided through the service facilities is contained in Annex 3 to this Track Statement.

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

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

The Allocator declares that it does not offer and does not apply framework agreements in relation to the performance of the core activities of the Railway Undertaking in accordance with Article 14 of Commission Implementing Regulation (EU) 2016/545 of 7 April 2016 on procedures and criteria relating to framework agreements for the allocation of railway infrastructure capacity on the railway lines concerned.

Data on planned changes in the price for the use of the runway and the price for the allocation of the runway capacity over the next 5 years, if such data are available

Depending on changes in economically justified costs (direct costs related to train travel), the grantor plans changes to the prices for the use of the railway and the price for the allocation of railway capacity over the next five years, in principle with effect from the first moment of validity of the relevant annual timetable.



Capacity Allocator Inc.

Mgr. Jan Lexa, Member of the Management Board

Annex 1 Track declaration

Basic structural and technical parameters of the runway, including the designation of the start and end of the runway, as well as operational technical characteristics in accordance with the list maintained pursuant to Section 23(1)(f) of the Railway Act

Regional railway Čížkovice - Obrnice

Start of the line: Čížkovice (km 4,023)

End of the line: Obrnice (km 232,846)

Track length: 34,817 km

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

Contact points of the railway with other railway lines: railway station Čížkovice at km 4,023 of the regional railway Lovosice - Louny, railway station Obrnice at km 232,846 of the national railway Žatec - Obrnice, both railway lines operated by SŽ

Track gauge: 1435 mm (normal)

Traction system: the track is not electrified

Braking distance: 700 m

Train length standard N: 240 m

Train length standard O: 40 m

Length of freight train in individual line sections: according to TTP

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

Spatial permeability: Z-GČD

Minimum radius of curve: 190 m

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

Track-side radio link: the basic track-side radio link is GSM-R

Other construction and technical parameters are contained in the tables of track ratios published on the websites of the railway operator and the allocator.

Regional railway Dolní Bousov - Kopidlno

Start of the line: Dolní Bousov (km 22,376)

End of line: Kopidlno (km 0,006)

Track length: 22,370 km

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

Contact points of the railway with other railway lines: railway station Dolní Bousov at km 34,385 of the regional railway Mladá Boleslav město - Stará Paka, railway station Kopidlno at km 25,501 of the regional railway Jičín - Nymburk město, both railway lines operated by SŽ

Track gauge: 1435 mm (normal)

Traction system: the track is not electrified

Stopping distance: 400 m

Train length standard N: 224 m

Train length standard O: 35 m

Length of freight train in individual line sections: according to TTP

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

Spatial permeability: Z-GČD

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

Track-side radio link: the basic track-side radio link is GSM-R

Other construction and technical parameters are contained in the tables of track ratios published on the websites of the railway operator and the allocator.

Annex 2 Track declaration

Pricing rules in terms of the price for the allocation of runway capacity and the price for the use of the runway

General rules on pricing in the case of the price for the allocation of runway capacity and the price for the use of the runway

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

The allocator is obliged to base the pricing rules on generally binding legal regulations, in particular

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

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

In applying the pricing rules, the Allocator states that the general rule applicable to the application of the rules on access to the runway for individual applicants, which is non-discrimination, is applied; discrimination against an applicant does not mean differential treatment on the basis of a legitimate reason. Value added tax is added to the prices in the amount set by generally binding legal regulations.

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 persons not established in the Czech Republic, etc.), the applicant is obliged to indicate the e-mail address to which the tax document in electronic form will be sent by the allocator.

The price for the allocation of runway capacity and the price for the use of the runway shall be calculated by the allocator for the calendar month in which:

- the track capacity has been allocated to the applicant, if it is the price for the allocation of track capacity, and
- the use of the railway by the applicant (authorised railway undertaking) in the exercise of the rights from the allocated railway capacity has occurred or should have occurred, if it concerns the price for the use of the railway.

The price for the allocation of the runway capacity and the price for the use of the runway shall be invoiced by tax documents which are due by the thirtieth day of the calendar month following the calendar month in which the fact decisive for the issue of the tax document occurred. The bank account number of the grantor to which the track capacity allocation price and the track use price are to be paid and other payment details (variable symbol, etc.) shall be indicated on the tax document.

Price for the allocation of runway capacity and rules for its calculation

The price for the allocation of runway capacity is set, in terms of compliance with the rules of price regulation, on the basis of the direct costs incurred by the allocator in connection with the allocation of runway capacity through the operator.

The price for the allocation of runway capacity is set depending on:

- the length of time between the time when the application for the allocation of track capacity is submitted and the date when the intended first moment of use of the track capacity to be allocated is to occur,
- the relationship between the request for allocation of track capacity and the date of the annual timetable or planned change to it,
- the complexity of processing the application.

The price for the allocation of runway capacity includes:

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

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

Price = S x number of days [CZK]

Where:

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

The price rates for the allocation of runway capacity are shown in the following table.

Product	Rate S
Application for allocation of railway capacity to the annual timetable, including late application	300,- CZK
Request for allocation of railway capacity until the planned change of the annual timetable	500,- CZK
Request for ad hoc allocation of runway capacity - product P3	260,- CZK
Request for ad hoc allocation of runway capacity - product N3	170,- CZK
Request for ad hoc allocation of runway capacity - product TB	550,- CZK
Request for ad hoc allocation of runway capacity - ZK product	1030,- CZK
Request for ad hoc allocation of runway capacity - UI product	0,- CZK
Request for ad hoc allocation of runway capacity - OM product	0,- CZK
Request for ad hoc allocation of runway capacity - JD product	0,- CZK

Price for the use of the runway and rules for its calculation

The amount of the price for the use of the track by running a train on the affected railways depends on the length and parameters of the track to be run, the purpose of the rail transport operation (passenger or freight transport), the parameters of the train and, if applicable, other facts according to this track declaration (transport of extraordinary consignments). In the case of a passenger train, the price for the use of the track also includes the price for the use of the access roads for passengers on the passenger train.

The price shall be determined by a calculation based on the actual performance of the rail transport operators on the railway concerned. Performance in a given accounting period means train kilometres travelled (vlkm) and gross tonne kilometres (hrtkm) calculated by the product of train kilometres and gross train weight.

The price for access roads for passengers on passenger trains is part of the regulated price for the use of the railway based on the actual costs directly related to operation, maintenance, lighting and cleaning in relation to the running of the train in the case of platforms and their equipment (shelters, lighting, benches, seats, luggage racks and bins), crossings and paths for passenger access to platforms, including their roofing and lighting, as well as signs bearing the name of the station or stop and the direction of travel of the train.

The categorisation of railway stations and stops as 'n' is based on the structural and technical nature of the access routes, and the following applies in terms of the classification of individual railway stations and stops into the category in question:

- category 11 - railway stations with off-level access to all platforms,
- category 12 - railway stations with off-level access to some platforms only,
- category 13 - railway stations without off-platform access to the platform,
- category 14 - stop with off-level access to the platform,
- category 15 - stop without off-platform access to the platform, including stops on single-track lines with a single platform at the building (shelter).

A train is a group of railway vehicles assembled and coupled, consisting of at least one driving and one hauled railway vehicle, marked with specified signals, accompanied by a train and running according to the timetable or according to the instructions of a professionally qualified person in charge of railway transport, or also an independent traction unit or a special self-propelled vehicle, or at least two traction units coupled together, marked with prescribed signals, accompanied by a train and running according to the timetable or as instructed by the competent person in charge of rail transport.

Basic prices and calculation formula

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

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

C_1	price for the use of the track (in the range of kilometres travelled)
C_2	price for the use of the runway (in hrtkm)
C_{PK}	price for the use of access roads in the case of passenger trains

At the same time:

$$C = S_{11} \times L$$

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

$$C = S_{22} \times Q \times L$$

S_2	[CZK] is the price per 1000 gross tonne kilometres (hrtkm) transported, which depends on the purpose of the train operated (passenger or freight)
Q	[gross tonnes in thousands] is one thousandth of the gross weight of the train in tonnes, which includes the total weight of the train, including freight and passengers carried; the weight of passengers carried is calculated by the product of the total capacity of the train, determined by the number of seats, and 80 kg
L	is the distance travelled by train [km] rounded to one decimal place

$$C = \sum_{n=11}^{15} C_{PK}^n (Z_n^{PK} \times m_{PK} \times N)_{zn}$$

C_{PK}	[CZK] is the price for access roads at railway stations and stops along the whole train route
Z_n^{PK}	[CZK/stop*t] basic price for one planned stop of a passenger transport train for boarding and (or)

	alighting of passengers at railway stations and stops of category "n"
m_{PK}	[t] weight of the train for the calculation of the access road price; for the purposes of calculating this component of the track use price, it is the total weight of the train less the weight of the active traction units without passenger transport capability according to the REVOZ operator's information system, rounded up to whole tonnes. For the purposes of calculating this component of the track use price, the train composition is the data provided by the railway undertaking in the operator's IS COMPOST 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 passenger boarding and/or alighting at railway stations and stops of category 'n' in accordance with the parameters of the allocated train path

Rates of prices for the use of the railway - passenger train, railway Čížkovice - Obrnice

Type of prize	Power unit	Price [CZK] per unit of output
S_1	vlkm	5,45
S_2	1000 hrtkm	29,85

Rates for the use of the railway - freight train, railway Čížkovice - Obrnice

Type of prize	Power unit	Price [CZK] per unit of output
S_1	vlkm	32,86
S_2	1000 hrtkm	33,26

Rates of prices for the use of the railway - passenger train, railway Dolní Bousov - Kopidlno

Type of prize	Power unit	Price [CZK] per unit of output
S_1	vlkm	4,84
S_2	1000 hrtkm	26,54

Rates for the use of the railway - freight train, railway Dolní Bousov - Kopidlno

Type of prize	Power unit	Price [CZK] per unit of output
S_1	vlkm	29,21
S_2	1000 hrtkm	29,57

Rates of prices for scheduled train stops for boarding and/or alighting of passengers

Categories of stations and stops for the calculation of access road prices "n"	Basic price From ^{PK} [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 into category "n"

Name of railway station or stop	Category "n"
Bělušice	15
Dětenice	13

Dlažkovice	15
Domousnice	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
Skršíň	15
Třebenice	13
Třebenice město	15
Třebívlice	13
Židonice	15

Price for the book timetable

The price for the issue of a book timetable provided through the operator is CZK 10,000 for each A5 page (122x188 mm) for the period of validity of the timetable.

Annex 3 Track declaration

Scope and content of services provided through the service facility

Regional railway Čížkovice - Obrnice

- individual stops and railway stations, unless otherwise specified:
 - information systems for passengers on train arrivals and departures, closures, carrier services and other transport links within integrated transport systems,
 - signs indicating access to trains,
- Railway stations Libčeves, Třebenice and Třebívlice
 - information systems for passengers on train arrivals and departures, closures, carrier services and other transport links within integrated transport systems,
 - signs indicating access to trains,
 - waiting areas for passengers,
 - sanitary facilities for passengers and
 - track for train assembly and moving of railway vehicles.

Regional railway Dolní Bousov - Kopidlno

- individual stops and railway stations, unless otherwise specified:
 - information systems for passengers on train arrivals and departures, closures, carrier services and other transport links within integrated transport systems,
 - signs indicating access to trains,
- Railway station Dětenice
 - information systems for passengers on train arrivals and departures, closures, carrier services and other transport links within integrated transport systems,
 - signs indicating access to trains,
 - waiting areas for passengers,
 - sanitary facilities for passengers and
 - track for train assembly and moving of railway vehicles.

Annex 4 Track declaration

Model contract for the allocation of railway capacity

Capacity Allocator Inc., ID: 17984408,
 with registered office at Litoměřická 213/30, 190 00 Prague 9,
 the company is registered in the Commercial Register maintained by the Municipal Court in Prague,
 Section B, Insert 27925,
 as an allottee

a

the identification of the applicant with data enabling him to be identified
 as the applicant

enter into the following agreement on the day, month and year set out below
 the track capacity allocation contract

Article I.

1. The allocator is an impartial allocator which carries out the main activities in relation to the railways, the regional railways Dolní Bousov - Kopidlno and Čížkovice - Obrnice (hereinafter collectively referred to as 'the regional railways').
2. The applicant is interested in access to regional railways, either directly, if it is an authorised railway undertaking, or through an authorised railway undertaking.
3. The applicant declares that it is an authorised railway transport operator, i.e. it holds all public authorisations to operate rail transport on regional railways; if the applicant is not such an authorised railway transport operator, then it declares that it has a contractual relationship with this authorised railway transport operator, under which the relevant railway transport operator is entitled and obliged to use the railway capacity that will be allocated to the applicant by the allocator in the event of the occurrence of the foreseen events.

Article II.

1. The applicant declares that in connection with its intention to gain access to regional railways or parts thereof, in particular to apply for the allocation of track capacity on regional railways or parts thereof, and the exercise of the rights arising from such allocation of track capacity, undertakes to act in accordance with the rules arising from a valid and effective track statement issued by the Allocator in connection with the exercise of its principal activities in relation to the railway lines (hereinafter referred to as 'track statement'), as well as other rules contained in the acts referred to in the track statement. The applicant is aware of the right of the grantor to amend the track statement in the event of the occurrence of facts provided for by generally binding legislation, in particular the Railway Act.
2. The applicant declares that it is aware of the contents of the pathway declaration.
3. The Parties agree that, in particular
 - a. the price for the allocation of the runway capacity and the price for the use of the runway are negotiated in accordance with the rules resulting from the valid and effective declaration of the runway. These prices shall be invoiced and payable in the manner and under the conditions laid down in the valid and effective track statement,
 - b. the rules for the allocation, waiver, limitation and withdrawal of runway capacity are set out in a valid and effective track declaration, which the parties undertake to comply with.
4. The applicant further declares that it is also aware of the obligations related to the submission of an application for the allocation of railway capacity by an applicant who is not the holder of an authorisation to operate railway transport (licence), if any, in particular the obligation to submit to the allocator a declaration of such authorised railway transport operator to use the allocated railway capacity when submitting an application for such allocation of railway capacity.
5. The applicant acknowledges that the allocated track capacity is non-transferable in accordance with the Railway Act, i.e. the transfer of the track capacity so allocated is absolutely null and void;

if the applicant transfers the allocated track capacity to another person for a consideration, the allocator shall withdraw the capacity so 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 following the date of withdrawal.

6. The applicant agrees that the grantor shall be entitled to disclose all facts concerning the relationship between the grantor and the applicant in connection with the performance of the grantor's main activities on regional railways to the operator of such railways for the purpose of exercising the rights and obligations of both 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 railway operator.
7. The Parties acknowledge that matters not expressly covered by this Agreement are subject to generally binding legal regulations, in particular Act No. 266/1994 Coll., on Railways, as amended, its implementing legal regulations, as well as the relevant legal regulations of European Union law.

Article III.

1. This contract is drawn up in two copies, one for each of the parties.
2. Amendments to this Agreement may only be made in writing.
3. In the event that any provision of this Agreement shall prove to be invalid, illegal or unenforceable, then the parties hereto agree to enter into an amendment to this Agreement at the request of either of them whereby the provision affected by such defect shall be replaced by a provision free from such defect, all while preserving the economic sense and purpose of the provision being replaced.
4. All provisions of this Agreement shall be construed in accordance with generally applicable law and the applicable and effective Railway Declaration.
5. This Agreement shall be governed by the laws of the Czech Republic. The courts of the Czech Republic shall have jurisdiction over disputes arising out of this Agreement.

In _____ on _____

Allocator

Applicant

Annex 5 Track declaration

Contact details

Allocator

Member of the Management Board	Mgr. Jan Lexa
Phone:	+420 728 709 613
E-mail:	lexa@pridelce.cz

Railway operator (AŽD)

Head of the Department of Railways and Rail Transport	Jiří Pavlík
Phone:	+420 737 204 549
E-mail:	pavlik.jiri@azd.cz
Head of Rail Administration and Operations	Ing. David Levinský
Phone:	+420 606 618 482
E-mail:	drahy@azd.cz
Head of Railway Control Centre	Ing. David Levinský
Phone:	+420 606 618 482
E-mail:	drahy@azd.cz

Operator (SŽ)

According to the valid and effective operator's path declaration.