

**Regulations of
CARGOTOR Sp. z o.o.
network
("Regulations")**

*Annex to the Resolution of the Management Board of
CARGOTOR Sp. z o.o. No ... of*

Warsaw, 9 August, 2019

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1. Address and telephone number details of the manager, including: mailing address, telephone and fax number and address of electronic mail

1.1. The Manager within the meaning of this Regulations is:

CARGOTOR Limited Liability Company

1.2. Company's headquarters:

Warsaw

1.3. Mailing address:

CARGOTOR Sp. z o.o.

ul. Lubelska 13

03-802 Warszawa

1.4. Details on economic activity:

Number of National Court Register (KRS): **0000484401**

Tax Identification Number (NIP): **7010403200**

REGON number : **146968850**

Share capital: **20 181 000.00 zł paid in full**

Safety authorisation **identification number PL2120150005**

1.5. Contact:

Office

Telephone: 502 345 534

Tel./Fax: (22) 290 55 65

e-mail: sekretariat@CARGOTOR.com

Sales Department

Director of the Department: 786 851 057

Office Employees: 512 161 047, 798 798 931

e-mail: sprzedaz@CARGOTOR.com

Railway Traffic Department

Director of the Department: 600 084 215

Head of the Department: 663 293 184

21-540 Małaszewicze Duże, ul. Parkowa 1

e-mail: ruchkolejowy@CARGOTOR.com

Infrastructure Maintenance Department

Director of the Department: 798 798 930

Office Employees: 798 798 954

e-mail: infrastruktura@CARGOTOR.com

Safety Management System Team

Tel. 502 345 496

e-mail: bezpieczenstwo@CARGOTOR.com

2. Information regarding the way of obtaining a licence referred to in art. 43 of the Act, and safety certificate referred to in art. 18B of the Act, or indication of a website offering this information free of charge in an electronic form

CARGOTOR Sp. z o.o. as manager is not obliged to obtain a licence referred to in art. 43 of the Act dated 28 March 2003 on Railway transport (Journal of Laws of 2016, item 1727 as amended) (Hereinafter referred to as the "Act") nor the security certificate referred to in Art. 18b of the Act.

The way how to obtain the above documents is defined on the website

<https://bip.utk.gov.pl/bip/licencjonowanie/199,Tryb-udzielania-licencji-przewoznika-kolejowego.html> and respectively <https://www.utk.gov.pl/pl/bezpieczenstwo-systemy/zarzadzanie-bezpieczen/najcze/11960,Najczesciej-zadawane-pytania.print>

3. List of railway lines made available to applicants along with their characteristics including:**3.1. permissible technical speed****3.2. permissible loads and classes of railway line sections****3.3. assignment to individual sections of railway line of particular categories**

List of railway lines made available to applicants along with their characteristics is included in the Attachment no. 1 and 1a to the Regulations.

4. List of dispatch points, their location in relation to railway lines and their characteristics, in particular the length of active platform and loading edges, their height and parameters of access tracks.

List of dispatch points, their location in relation to railway lines and their characteristics is included in the **Attachment no. 2** to the Regulations.

5. List of points adjacent to railway infrastructure of other managers excluding dormant infrastructure.

List of points adjacent to railway infrastructure of other managers excluding dormant infrastructure is included in the **Attachment no. 3** to the Regulations.

6. Address of website with the register of infrastructure referred to in art. 25g of the Act.

<https://rinf.utk.gov.pl/Account/Login?ReturnUrl=%2F>

7. Restrictions in using railway infrastructure including those associated with the performance of tasks of the manager referred to in art. 5 para. 1 point 4 of the Act, and list of railway lines referred to in art. 29b of the Act.**7.1.** The following may occur in the process of utilizing railway infrastructure:

- 7.1.1.** Sudden traffic restrictions affecting the scheduled implementation of transports due to damages to technical components of railway infrastructure;
- 7.1.2.** Situations, about occurrence of which the manager was warned but he could not prevent it, e.g. strike, passage blockage, demonstrations etc.;
- 7.1.3.** Preventing or stopping the passage of a railway operator's train due to vehicle's or its employees failure to meet the requirements specified in the agreement for utilization of traffic capacity, the Act and regulations issued on its basis as well as requirements determined by the manager in its internal regulations;
- 7.1.4.** Traffic restrictions affecting the scheduled transport occurred as a result of "emergency situations", including those arising from a sudden atmospheric changes and others, about which the manager was not pre-warned;
- 7.1.5.** Traffic restrictions, in the event of a threat to traffic safety or security of transport and associated with security and defence of the state;
- 7.1.6.** Traffic restrictions resulting from the repairs, construction or modernization of infrastructure managed by the manager lasting no longer than 30 calendar days.

7.2. The manager immediately notifies about the occurrence of the restrictions referred to above:

- 7.2.1.** The applicant with whom an agreement for the allocation of traffic capacity is concluded,
- 7.2.2.** The railway operator with whom the agreement is concluded for the utilization of traffic capacity in terms of railway infrastructure, which was affected by the restriction in the utilization referred to above.

7.3. The manager informs all entities indicated in sub-points 7.2.1. and 7.2.2. above about the necessity of introducing long-term traffic restrictions lasting for more than 30 calendar days, unscheduled in the timetable of trains, including in particular those resulting from the sudden need to perform works on the railway infrastructure. The manager informs about the scheduled long-term traffic restrictions lasting for more than 30 calendar days, as far as possible with one month's notice prior to introduction of the restriction.**7.4.** It is allowed to make notifications referred to above using the electronic mail, to e-mail addresses indicated for notifications in the agreement for the allocation of traffic capacity or agreement for the utilization of traffic capacity.

7.5. All restrictions imposed on an access to railway infrastructure resulting from technical conditions or renovation works are also provided on the website of CARGOTOR Sp. z o.o. in "restrictions imposed on use of infrastructure" tab.

The manager has not classified railway lines as privileged which is referred to in art. 29b of the Act.

8. Specific technical and organizational requirements for the use of railway infrastructure provided by the manager

Information specific to technical parameters and local restrictions caused by them are included in the technical regulations of stations within Małaszewicze transshipment area are available at the Railway Traffic Department.

Regulations for service infrastructure objects (dispatch points) are available at the headquarters of CARGOTOR Sp. z o.o. at the Plenipotentiary for the Safety Management System and on the website.

9. Detailed specification of services rendered as part of sharing railway infrastructure and conditions of their provision.

9.1. Specification of services provided as part of a minimum access to railway infrastructure:

- 9.1.1.** Examining the request to allocate traffic capacity of railway infrastructure;
- 9.1.2.** Right to use the allocated railway infrastructure, including turnouts and railway junctions within the traffic capacity allocated;
- 9.1.3.** Railway traffic control within allocated traffic capacity and providing information on traffic of trains;
- 9.1.4.** Sharing information required for implementation of transports for which traffic capacity of railway infrastructure has been allocated;
- 9.1.5.** Making traction network facilities available, if they are available.

9.2. The condition for making the railway infrastructure available as part of the minimum access is the conclusion of an agreement for the utilization of traffic capacity by a railway operator with the manager.

9.3. Within the structure of CARGOTOR Sp. z o.o. operates the Coordination Center, whose task is to coordinate train and shunting movements based on the Regulations of the Coordination Center constituting Appendix No. 12

10. Requirements and conditions specific to rolling stock, personnel and organization of train movement

10.1. Requirements for rolling stock and staff

10.1.1. Employees of railway operators participating in the process of utilising the railway infrastructure should get familiar beforehand with the internal instructions of the manager and strictly follow them.

10.1.2. List of internal instructions of the manager, regulating the operation of trains and shunting operations on the managed infrastructure:

- 10.1.2.1.** Instructions on operation of trains, handling of technical traffic posts and shunting technique - TR-01 (R-1);
 - 10.1.2.2.** Instructions on dealing with serious accidents and incidents on infrastructure managed by CARGOTOR Sp. z o.o. - TR-02;
 - 10.1.2.3.** Instruction on train radio, shunting and road radio -communication - TR-04;
 - 10.1.2.4.** Instructions on signalling - TR-05;
 - 10.1.2.5.** Instructions on dealing with transport of extraordinary shipments and dangerous goods - TR-07.
- 10.1.3.** Employees of rail operators participating in the process of using railway infrastructure employed on positions directly related to the operation and safety of railway traffic must be familiar with technical regulations of traffic posts and regulations of infrastructure objects (cargo terminals) to the extent necessary for safe execution of railway transport processes.
- 10.1.4.** CARGOTOR Sp. z o.o. participates in trainings of operator's employees directly related to the operation of train, referred to in clause 10.1.3. of the Regulations, aimed at familiarizing them with local conditions and Technical Regulations of traffic posts in force at CARGOTOR Sp. z o.o. The railway operator is obliged to report the need for training at least 72 hours prior to scheduled passage carried out by the above-mentioned employees.
- 10.1.5.** A railway operator, prior to start of transports, should request in writing CARGOTOR Sp. z o.o. to provide him with appropriate extracts from instructions and regulations, which the manager undertakes to immediately provide to railway operator in an electronic form.
- 10.1.6.** Employees of railway operators performing activities directly related to rail traffic operations and safety; and drivers of certain types of railway vehicles must meet the conditions set out in the Act and the relevant implementing acts issued hereupon, including train drivers regarding work and rest time as well as knowledge of railway line sections;
- 10.1.7.** Requirements specific to rolling stock and railway vehicles:
- 10.1.7.1.** Railway vehicles used by railway operators must meet the technical conditions set out in the provisions of law, including conditions specified - depending on the intended use of a vehicle - in RIC, RIV, SMGS, PPW and RID and RIP regulations respectively;
 - 10.1.7.2.** Railway vehicles should have all equipment in good working order, including those subject to technical examinations required to obtain a permission to operate the type of railway vehicle based on the provisions of law. Each railway vehicle should have a return to operation or rail vehicle worthiness certificate within the meaning of the provisions of law;
 - 10.1.7.3.** All types of railway vehicles operated by the railway operator

must have a type-approval certificate or authorization for placing in service issued on the basis of the provisions of law;

10.1.7.4. Trains moving on lines covered by these Regulations should be fitted with a functional combined brake. Railway operators failing to meet this condition may apply for a movement along the line on special terms, set out individually by the manager.

10.1.8. Requirements in the field of automation and telecommunications:

10.1.8.1. Locomotives must be fitted with radio communication devices incorporated into the "Radio Stop" system of remote stoppage of train;

10.1.8.2. Other traction vehicles (including unassisted track machines) must be fitted with radio-telephone devices, enabling communication with a station master;

10.1.8.3. Radio-telephone devices must comply with the provisions of law;

10.1.8.4. Wheel sets of rolling stock must provide electrical shorting of track rails - the resistance of a wheel set must not exceed 50 m Ω ;

10.1.8.5. Elements of tests qualifying the vehicle and enabling the issuance of a permission to operate the type of vehicle include compatibility testing, covering:

10.1.8.5.1. Possibility of work with devices of systemic control of tracks and turnouts occupancy used on the manager's network;

10.1.8.5.2. Electromagnetic compatibility; tests for the compliance of electromagnetic compatibility must confirm that any railway vehicle does not generate interference preventing the correct operation of railway traffic control equipment (SRK) and radio communication devices (also on the railway vehicle).

10.1.9. Requirements specific to radio-telephone networks:

10.1.9.1. All radio-telephone devices in order to operate as part of train radio communication or shunting network must meet the following requirements:

10.1.9.1.1. Have a valid document or a sign confirming the device's compliance with the provisions of law;

10.1.9.1.2. Have a valid permission to operate the type of vehicle issued by the president of UTK (possibly the chief railway inspector);

10.1.9.1.3. Have a valid radio license (homologation) issued by the competent authority;

10.1.9.1.4. Have a valid permission to use the radio communications issued by PKP Polskie Linie Kolejowe S.A. ;

10.1.9.1.5. Work with devices used in the manager's radio-telephone networks;

10.1.9.1.6. Not interfering the operation of radio-telephone networks operated within the railway operator's area,

10.1.9.2. Devices operating in the train radio-telephone and shunting network, cannot be made available for use by other users who are not

authorised to work within these networks;

10.1.9.3. The railway operator is responsible for the efficiency and the manner of using radio-telephone devices working in radio communication networks used within the railway operator's area.

10.1.10. Requirements specific to special rolling stock:

The manner of marking of special rolling stock should comply with the provisions of law.

10.1.11. Requirements specific to environmental protection:

Pursuant to the provisions of law, due to implementation of transports by railway operator, it is forbidden to emit dangerous substances to water, soil or air which could result in exceeding environmental quality standards.

10.1.12. Requirements specific to organization of transport:

10.1.12.1. The railway operator in order to utilize the traffic capacity provided within the framework of an agreement for its utilization for the sake of transport, which ends within sidings served from the manager's track system, is obliged to present a certified copy of the siding user's consent to accept the train of the applicant or the agreement expressing such consent or authentication obtained from the user on the copy of the request for an access;

10.1.12.2. As part of the route coordination process, requirements for transport organization may be formulated by the manager aimed at optimizing the traffic capacity of railway infrastructure (e.g. duration of the siding service, number of sidings served during the train passage);

10.1.12.3. While formulating the requirements for organization of carriages referred above, the manager will be guided by the principle of equal treatment of railway operators and take into account the interests of those who intend to use railway lines and access tracks.

10.1.13. Other requirements resulting from the specifics of routes granted by the manager:

10.1.13.1. The Manager, as far as the possessed technical and operational capabilities allow, with the application of rules and conditions set out in the provisions law, ensures the implementation of transport of any consignment of a rail operator including extraordinary consignments;

10.1.13.2. The railway operator notifies about the intention of transporting an extraordinary consignment (within the meaning of the instruction TR-07) to the Manager, at least 20 days before its scheduled transport;

10.1.13.3. The railway operator in his notification about the intention of transporting an extraordinary consignment specifies the data necessary to

organize the transport (in an unambiguous manner characterizing its type, technical parameters - weight and dimensions of cargo or consignment, transport itinerary, date in which it is to be transported), other specific requirements, appropriate technical documentation of the consignment along with a drawing characterizing in detail this consignment;

10.1.13.4. The manager notifies the railway operator before the scheduled start of transport of the acceptance of request for execution and informs the railway operator about the set time and manner of carrying out the movement of extraordinary consignment;

10.1.13.5. The manager may refuse to provide routes for transport of extraordinary consignment in case the technical and operational capabilities of the line do not allow its displacement or in the event of a high risk arising from this transport and railway operator failing to specify all parameters of the consignment;

10.1.13.6. Transport of a dangerous consignment may be carried out on terms and conditions set out in the regulations for the international carriage of dangerous goods by rail (rid) or the attachment no. 2 to smgs, Instruction for handling extraordinary consignments and dangerous goods - TR-07 and in applicable railway operator's internal regulations. In the case of consignment including the high risk dangerous goods (twr), transport may take place after prior notification by the railway operator to the Manager about the intention to transport it. Railway operator's employees carrying out the transportation of extraordinary or dangerous consignments are obliged to know and strictly follow the provisions of the "instruction on dealing with transport of dangerous goods and extraordinary consignments by rail - TR-07";

10.1.14. Authorized employees of the manager have the right to perform the check of correctness of performing activities arising from the concluded agreement for utilization of traffic capacity, and in particular, control of technical condition of railway operator's rolling stock, traffic permits, accessories and psychophysical condition of the railway operator's employees. If any irregularities are found, the authorized manager's staff may demand the suspension of railway traffic.

10.2. Information which the operator is obliged to pass to the manager before, during and after completing the passage of the train

10.2.1. Information which the operator is obliged to pass to the manager before beginning the passage of a train

10.2.1.1. Arising from applicable laws and technical regulations of traffic posts;

10.2.1.2. Arising from the traffic capacity utilization agreement,

10.2.1.3. Arising from the Regulations.

10.2.2. Information which the operator is obliged to pass to the manager during the passage of a train:

- 10.2.2.1.** Arising from the provisions of law and business instructions,
- 10.2.2.2.** Arising from the traffic capacity utilization agreement,
- 10.2.2.3.** Arising from the Regulations.
- 10.2.3.** Information which the operator is obliged to pass to the manager after completing the passage of a train:
 - 10.2.3.1.** Arising from the provisions of law and arising from this Regulation, in particular documents related to the settlement of services,
 - 10.2.3.2.** Arising from the traffic capacity utilization agreement.
- 10.2.4.** The Manager has the right to request other information from the operator, if this is relevant to the proper use of the infrastructure or settlement of the Manager's remuneration, i.e.:
 - 10.2.4.1.** List of railway vehicles in the train composition R-7,
 - 10.2.4.2.** Order for performing shunting operations R-10
 - 10.2.4.3.** Marshalling card R-11
 - 10.2.4.4.** Transfer note for wagons transferred to the siding R-25,
 - 10.2.4.5.** Notification about wagons ready to be taken R-27 and equivalents used by carriers.
- 10.2.5.** A railway operator is obliged after accepting the train or before its start to provide the list of railway vehicles in the train set within the meaning of the Regulation of the Minister of Transport of November 2, 2006 on documents that should be held by the railway vehicle.

10.3. Method of transportation of loose materials to prevent dusting

- 10.3.1.** For the transportation of loose materials the appropriate type of cars (series) may be used, in accordance with their intended use, with sealed boxes that prevent the material from spilling onto the tracks.
- 10.3.2.** In the event of transportation of loose materials in open cars, cargo in addition to uniform distribution of the consignment within the cargo area, must not protrude above the side of car.
- 10.3.3.** In order to secure the transportation of dusting materials, loading surfaces should be covered with (wetted) aqueous colloidal solutions of film-forming substances or secure the cargo with wagon tires. The railway operator is responsible for securing the cargo.

11. Internal regulations of the manager applicable to an applicant and an operator in the course of preparation and validity of the train timetable;

- 11.1.** Currently, the Manager does not have internal regulations that would apply to applicants in the course of preparation and validity of the train timetable, apart from these Regulations and documents explicitly indicated therein.
- 11.2.** Internal regulations applicable to the railway operator in the course of preparation and validity of the timetable include these Regulations and Instructions listed in clause 10.1.2. of the Regulation.

12. Procedure for submitting and processing requests referred to in § 4 para. 2-4 of the

Regulations, including treatment of freight transport, international transport and requests to allocate a train route within the framework of individual timetable of the train**12.1. Templates of requests indicating the information, provision of which is mandatory**

- 12.1.1.** Template of request to allocate the route is attached as the Attachment no. 4 to the Regulations
- 12.1.2.** Template of request to allocate the traffic capacity for implementation of a standstill of railway vehicles is attached as the Attachment no. 5 to the Regulations.
- 12.1.3.** The manager does not allocate any traffic capacity to perform shunting operations due to inability to perform shunting operations on railway lines managed by CARGOTOR Sp. o.o. for technical reasons. The Manager allocates the traffic capacity to perform shunting operations only on track no. 14 and no. 136 within Małaszewicze transshipment area. The characteristics of track no. 14 and track no. 136 are attached as the Attachment no. 11 to the Regulations. Template of a request **to allocate the traffic capacity for performing shunting operation** is attached as the Attachment no. 4 to the Regulations.

12.2. Information, whether in relation to requests referred to in art. 30 para. 10 of the Act, the manager elaborates a simplified timetable of the train

- 12.2.1.** If the applicant submits a request to allocate the train route later than 5 days before the scheduled start of train, the manager elaborates the simplified timetable of the train specifying the time of departure of train from the station and the time of passage of train, not including the time of a standstill resulting from movement of other trains.
- 12.2.2.** The procedure for submitting requests for simplified timetable of trains for railway lines not adjacent (single-network routes) to railway infrastructure managed by other managers
 - 12.2.2.1.** The applicant is entitled to submit a request to allocate a train route for a period longer than validity of annual train timetable and individual timetable. Such request is submitted in an electronic form (e-mail);
 - 12.2.2.2.** Such a request should be sent directly to the Railway Traffic Department;
 - 12.2.2.3.** The template of a request is included as attachment no. 4 to these Regulations;
 - 12.2.2.4.** The request referred to above should include following information:
 - a) Itinerary and train/railway vehicle route,
 - b) type of transports performed,
 - c) type and series of traction vehicle or technical data along with traction characteristics of traction vehicle,
 - d) maximum train speed,

- e) gross weight of a train/railway vehicles, whereas it is not necessary to submit a request for modifying the allocated train route (revision) if the weight is reduced
- f) length of train/railway vehicles, whereas it is not necessary to submit a request for modifying the allocated train route (revision) if the length is reduced
- g) duration of running from - to,
- h) operates on: week days
- i) time of standstill at the siding/station,
- j) requested time of departure,
- k) number of cars,
- l) agreed siding operation plan /hours/.

12.2.2.5. The Manager considers requests submitted within deadline indicated in these Regulations, containing information referred to in point 12.2.2.4. above;

12.2.2.6. The date of submission of request sent by e-mail is the date of receipt of request by the employee of the Manager receiving the request (date of e-mail receipt);

12.2.2.7. The Manager acknowledges in electronic form the receipt of request;

12.2.2.8. Requests failing to meet the requirements set out in the Regulations, are left by the Manager without recognition, who notifies the applicant about that. Due to the deadline for examination of request, the procedure for completing the request is not provided for;

12.2.2.9. The request will be examined within 2 hours from its receipt by the railway traffic department (e-mail receipt);

12.2.2.10. As a result of examination of a request, the manager drafts a proposal for a simplified train timetable and provides the applicant with the proposal of train departure time from the starting station and the route and provides the applicant in an electronic form (e-mail) for its acceptance or refuses to draft a simplified timetable, about which the applicant is immediately notified in an electronic form (e-mail);

12.2.2.11. If the simplified timetable fully covers the request of the applicant, the applicant is deemed to have accepted the simplified timetable presented to the applicant by the manager. If the simplified timetable introduces any changes in relation to the applicant's request, the applicant may refuse its acceptance in an electronic form within 30 minutes of receiving the simplified timetable. In the event of failure to submit a statement on refusal to accept a simplified timetable, the applicant is deemed to have accepted the simplified timetable proposed by the Manager without any reservations;

12.2.2.12. CARGOTOR Sp. z o.o. is entitled to request, and the applicant is obliged to provide any other information or documents necessary to examine the above request;

12.2.2.13. The request will be examined taking into account the scheduled date of passage and the order in which requests have been submitted;

12.2.2.14. Due to the deadline for examination of requests to allocate routes within the scope of simplified timetable, CARGOTOR Sp. z o.o. does not provide for the possibility of any revisions of simplified timetables.

12.2.3. The procedure for submitting requests for simplified train timetable for railway lines adjacent (multi-network routes) to railway infrastructure managed by other managers is set out in point 12.9. of the Regulations

12.3. Procedures according to which applicants may submit requests, including information on the subject of financial guarantees referred to in art. 29d para. 3 of the Act, and the method of sharing information about the database of traction vehicles for which the manager has traction characteristics

12.3.1. Procedure according to which applicants can submit requests:

12.3.1.1. Requests referred to in point 12.1. above may be submitted only by the applicant who entered into an agreement for the allocation of traffic capacity with the manager;

12.3.1.2. The applicant applies in writing (also e-mail: sprzedaz@cargotor.com) to the Sales Office of CARGOTOR Sp. z o.o. for the conclusion of contract of capacity allocation;

12.3.1.3. The applicant submits requests referred to in point 12.1. above in electronic form to ruchkolejowy@cargotor.com;

12.3.1.4. The request to allocate the train route is examined within deadlines indicated in these Regulations, depending on the timetable that applies. The procedure for examining requests within the scope of individual timetables has been described in later part of the Regulations. Further provisions of point 12.3. of the Regulations apply only to the request for the allocation of traffic capacity in order to perform shunting operations and requests to allocate the traffic capacity for a standstill of railway vehicles, with the exception of points 12.3.1.7; 12.3.1.8 and 12.3.1.14., which apply to all requests for allocation of traffic capacity;

12.3.1.5. Request for the allocation of traffic capacity to perform shunting operation is examined within 1 hour from the time of reception by the Railway Traffic Department (reception of e-mail);

12.3.1.6. Request for the allocation of traffic capacity for a standstill of railway vehicles is examined within 1 hour from the time of reception by the Railway Traffic Department (reception of e-mail);

12.3.1.7. The applicant may submit a request for the allocation of traffic capacity specific to various types of traffic capacity if they are associated with the following activities performed with the set of railway vehicles;

12.3.1.8. In emergency cases, when due to operating conditions, that have not been possible to predict earlier, the need to perform particular shunting operation or a standstill, requests for the allocation of traffic capacity in the field of request for shunting operation or a standstill may be submitted by radio-telephone to the Railway Traffic Department; Requests submitted in this mode should include all data indicated in the

Attachment no. 4 or respectively in the Attachment no. 5 to the Regulations for a specific type of traffic capacity. The Manager examines the request provided the request was submitted in an electronic form or documents specified by the Manager were presented within deadline indicated by the Manager. The applications are reported directly to the station master by an employee of the railway operator. Such notification is made by the radio-telephone and contains all information indicated in Attachment no. 5 to the Regulations.

- 12.3.1.9.** The request for the allocation of traffic capacity to perform shunting operations includes the following information:
- purpose of shunting operation,
 - location of shunting operation,
 - type of shunting vehicles,
 - gross weight of train/railway vehicles,
 - date of shunting operations,
 - number of cars;
- 12.3.1.10.** The request for the allocation of traffic capacity for a standstill of railway vehicles includes the following information:
- location of a set of railway vehicles,
 - maximum length of a set of railway vehicles,
 - time of standstill of a set of railway vehicles (date and time);
- 12.3.1.11.** The request for the allocation of traffic capacity to perform shunting operation and a request for the allocation of traffic capacity for the purpose of standstill of a set of vehicles will be examined, provided they were submitted at least one hour before the scheduled date of allocation of traffic capacity,
- 12.3.1.12.** The date of submission of request sent by e-mail is the date of receipt of request by an employee of the Manager receiving the request (date of e-mail receipt);
- 12.3.1.13.** The manager acknowledges in an electronic form the receipt of request;
- 12.3.1.14.** Requests failing to meet the requirements specified in § 6 para. 1 point 1 and 2 of the Regulation of the Minister of Infrastructure and Construction of April 7, 2017, Journal of Laws. 2017.755 of 10 April 2017 (the "**Regulation**") are returned to the applicant by the manager along with an indication of the reason. In case of requests failing to meet the requirements specified in § 6 para. 1 point 3 of the Regulations or with other deficiencies in relation to the requirements of the provisions of law or the Regulations, the manager requests the applicant to complete the requests within 5 working days;
- 12.3.1.15.** CARGOTOR Sp. z o.o. notifies the applicant about accepting or rejecting the request in an electronic form (e-mail);
- 12.3.1.16.** The Manager may examine the request subject to a condition of amending the request by the applicant, which will make it possible to examine it;

12.3.1.17. CARGOTOR Sp. z o.o. is entitled to request, and the applicant is obliged to provide any other information or documents necessary to examine the above request. If the applicant fails to submit them within deadline set by the manager - CARGOTOR Sp. z o.o. may not accept the request, about which the applicant is immediately informed;

12.3.1.18. The request will be examined taking into account the expected deadline for the allocation of traffic capacity and the order in which requests have been submitted;

12.3.1.19. Due to the deadline for examining requests specific to allocation of traffic capacity to perform shunting operations and for the purpose of a standstill of railway vehicles, CARGOTOR Sp. z o.o. does not provide for the possibility of revising the allocated traffic capacity in this respect.

12.3.2. Information on financial guarantees referred to in art. 29d para. 3 of the Act

The agreement for the allocation of traffic capacity may contain requirements concerning the applicant's submission of a Financial Guarantee to secure the payment.

12.3.3. The manager does not have any traction vehicles.

12.4. Requirements specific to applicants

12.4.1. In order to utilize the traffic capacity for transport, which ends within the area of sidings or service facilities serviced from the manager's track system, the applicant is obliged to present a certified copy of the consent of siding's user or the operator of service infrastructure facility to accept the applicant's train, or an agreement with such consent, the confirmation obtained from the siding's user or respectively the operator of service infrastructure facility on the copy of request for an access.

12.4.2. The applicant (being also a carrier) in his request for the allocation of traffic capacity will determine the estimated period of using infrastructure and provide other data required by the manager to optimize the traffic capacity of railway infrastructure (e.g. duration of service of siding/service infrastructure facility, number of sidings/service infrastructure facilities served during the train passage) .

12.4.3. The applicant at the request of the manager will immediately provide additional information that is necessary to examine the applicant's request or fulfilment of an agreement for the allocation of traffic capacity or an agreement for the utilization of traffic capacity with the operator indicated by the applicant.

12.5. Schedule of drafting the annual train timetable and changes in train timetable,

12.5.1. The annual timetable for trains running only within railway infrastructure managed by CARGOTOR Sp. z o.o. (single-network routes) is elaborated by CARGOTOR Sp.z o.o.

12.5.2. The annual timetable for trains running within railway infrastructure managed

by CARGOTOR Sp. z o.o. and PKP Polskie Linie Kolejowe S.A. (multi-network routes) is elaborated by PKP Polskie Linie Kolejowe S.A.

12.5.3. The manager, on the basis of requests for the allocation of train route elaborates the train timetable in accordance with the following time schedule for the preparation of the annual timetable:

12.5.3.1. The manager on the basis of requests for the allocation of train **route** submitted not earlier than 12 months before the term of annual timetable and not later than 5 months before the term of annual timetable elaborates the annual train timetable;

12.5.3.2. On the basis of submitted requests for the allocation of traffic capacity for **international routes**, the manager agrees with the managers concerned, not later than 11 months before the term of the annual timetable the following:

- a) routes to be included in the annual timetable,
- b) time the train passes the point of network interconnection taking into account the anticipated traffic of trains that have priority in relation to requested multi-network routes;

12.5.3.3. On the basis of submitted requests for the allocation of traffic capacity for **multi-network routes**, the manager agrees not later than within deadline referred to in § 7 para. 4 and para. 2 point 3 of the Regulation (i.e. not later than 5 months before the term of the annual train timetable) and agreed not later than one month before the beginning of the term of the annual timetable, with the managers concerned:

- a) routes to be included in the annual timetable,
- b) time of passage of the international train at the point of network interconnection taking into account the anticipated traffic of trains with priority over the requested multi-network routes;

12.5.3.4. Based on requests for the allocation of traffic capacity for international routes and multi-network routes, the manager elaborates within the deadline referred to in § 7 para. 4 and para. 2 point 3 of the Regulations (i.e. not later than 5 months before the term of the annual train timetable) initial train routes along with specification of traffic capacity booked for their possible shifts resulting from further work on the annual timetable;

12.5.3.5. On the basis of submitted requests for the allocation of traffic capacity, the manager elaborates within one month of the expiry of deadline referred to in point 12.5.3.1. above, the draft of the annual train timetable, taking into account circumstances referred to in § 7 para. 7 of the Regulations;

12.5.3.6. In the event of collisions of train routes, the manager ensures the best possible fulfilment of needs requested by the way of consultations with applicants, which include:

- 12.5.3.6.1.** Providing applicants with information in paper or electronic form about the collision of train routes, immediately after its disclosure, along with:
- a) necessary information specific to requested collision routes,

without disclosing the identity of other applicants, unless the applicants concerned agree to such disclosure,

- b) a proposal from the manager to resolve such collision situation, taking into account the priority in allocating train routes causing a collision, including proposals for alternative or variant routes, if they are possible,
- c) information on the criteria to be taken into account in the process of allocating the train routes and the indication of requests for the allocation of train routes equal in terms of priority in allocation of train capacity
- d) information on the routes of trains pre-developed for other applicants on the section where the collision of routes occurs, without revealing the identity of other applicants, unless the applicants concerned agree to such disclosure;

12.5.3.6.2. Acceptance on the part of an applicant of the proposal or submitting comments and presenting by an applicant possible concessions in the scope of submitted requests, whereas lack of response of an applicant within 5 working days (working day for the purposes of these Regulations to be understood as each day of week except of Saturday and public holidays) from the date of receipt of information from the manager means the acceptance of the submitted proposal;

12.5.3.7. The manager **provides** applicants, for their acceptance, with the **part of annual train timetable** which refers to them, not later than two months after expiry of deadline referred to in § 7 para. 2 point 3 of the Regulations;

12.5.3.8. Within one month from the date of receipt of the draft of annual train timetable, the applicant accepts the draft, submits comments, or proposes changes to its part of the draft to the extent that it does not meet the requirements set out in requests submitted by him. If the applicant fails to take a position within this deadline, the applicant is deemed to have accepted the draft of the annual timetable;

12.5.3.9. If the manager is not able to include comments or implement changes referred to above:

12.5.3.9.1. He indicates the overcrowded section of infrastructure where the collision of train routes has prevented the implementation of request in accordance with the requirements set out therein, and the time of overcrowding, with the exclusion of instance when the train route assumes a derogation from requirements set out in the request in terms of time of running or times of commercial stopover up to:

- 15 minutes - for trains carrying out inter-regional transports,
- 30 minutes - for passenger trains carrying out other than inter-regional transports,
- 180 minutes - for freight trains;

12.5.3.9.2. He notifies the applicant on the scope of comments and changes

which he did not accept, not later than within 14 days from the expiry of deadline referred to in point 12.5.3.8. above;

12.5.3.9.3. In the event of indicating the overcrowded section of infrastructure referred to in point 12.5.3.9.1. above, in the notification referred to in point 12.5.3.9.1. above, he provides the applicant with routes equal in terms of priority in the allocation of traffic capacity that cause a derogation from the requirements set out in requests,

12.5.3.9.4. In case of indicating routes referred to in point 12.5.3.9.3. he conducts with the participation of applicants who requested these routes, an auction of unallocated traffic capacity, as a result of which:

- he determines the amount of increase in basic fee declared by applicants for the particular train routes,
- he indicates the order in which requests are examined,
- he verifies the draft of annual train timetable, in terms of unallocated traffic capacity, taking into account the new order of examining the requests subjected to an auction,
- he determines the amount of increase in basic fee for train routes for which it is possible, as a result of an auction, to limit derogations from the requirements set out in requests in relation to the draft of annual train timetable,
- he provides applicants with a new proposal of train routes requested on the overcrowded infrastructure section, including alternative or variant routes, or refuses to allocate traffic capacity;

12.5.3.10. The applicant, in case of receiving a new proposal of train routes referred to in point 12.5.3.9.4. fourth indent, within 5 working days from its receipt, is able to withdraw requests for which the draft of annual timetable does not meet the requirements set out in the request. Failure to withdraw the request by the applicant is tantamount to acceptance of the proposal referred to in point 12.5.3.9.4. fourth indent;

12.5.3.11. If it is possible to include comments and implement changes referred to in point 12.5.3.8. above, the manager agrees with the applicant a draft of annual train timetable, within 14 days from the date of receiving the applicant's request in this matter;

12.5.3.12. The manager, on the basis of the agreed draft of annual train timetable, allocates train routes, elaborates the annual train timetable and makes it available directly (e-mail) to the applicant concerned by the annual timetable not later than 3 months prior to its term;

12.5.3.13. The aforementioned rules represent the procedure for the elaboration of the annual train timetable, referred to in art. 30 para. 3 of the Act.

12.5.4. Schedule of changes to annual timetable

12.5.4.1. The change to annual train timetable may take place**12.5.4.1.1.** At midnight on the second Saturday in June,**12.5.4.1.2.** At another time if the manager finds it reasonable.

Changes to annual train timetable are introduced not more frequently than every 30 days.

12.5.4.2. Changes to annual train timetable are made in accordance with the following rules:**12.5.4.2.1.** The applicant has the right, once a calendar month, to submit a request correcting the previously allocated routes, i.e. to change the train movement parameters (e.g. change the route, extend or shorten the route, change the place and time of stopovers) or supplementary request as per the template of form in the attachment no. 4 to these Regulations (with the note "correction"),**12.5.4.2.2.** The manager shall, within one month, prepare a draft of the amended annual timetable and makes it available for the applicant to agree on the part that applies to him or informs about the lack of traffic capacity,**12.5.4.2.3.** The applicant, within 7 days, accepts the a.m. part of the draft of change to annual timetable or reports comments or proposes changes to the extent to which it does not meet the requirements set out in requests submitted by him and accepted by CARGOTOR Sp. z o. o.,**12.5.4.2.4.** If CARGOTOR Sp. z o. o., cannot consider the comments or cannot implement the changes referred to in point 12.5.4.2.3. above, he notifies the applicant about that within 7 days;**12.5.4.2.5.** If it is possible to consider comments or implement changes referred to in point above, CARGOTOR Sp. z o.o. agrees with the applicant a draft of the annual timetable within 14 days;**12.5.4.2.6.** The procedure, place and form of submission of corrective and supplementary requests referred to above have to comply with the rules described above regarding the requests concerning the annual timetable, subject to different rules set out in this point 12.5.4.2.;**12.5.4.2.7.** The manager makes available for the applicant the change to train timetable not later than 21 days before its term.**12.6. Date after which the manager does not allocate traffic capacity on the basis of IRJ requests, defined as number of days or hours prior to scheduled start of train****12.6.1.** The manager does not allocate any traffic capacity on the basis of requests for issuing an individual timetable (IRJ request) 5 days before the scheduled utilization of traffic capacity.**12.6.2.** The manager does not allocate any traffic capacity on the basis of requests for issuing a simplified timetable (URJ request) 2 days before the scheduled

utilization of traffic capacity.

12.7. Way of conducting the coordination and dispute resolution processes

- 12.7.1.** In the event of a dispute between the submitted requests for the allocation of traffic capacity by different applicants, the manager ensures the best possible implementation of the reported needs by conducting a coordination process with applicants concerned in accordance with the rules set out in these Regulations.
- 12.7.2.** In the event of collisions of **train routes** within the framework of the annual timetable, the provisions of point 12.5.6. and 12.5.3.9. of the Regulations shall apply.
- 12.7.3.** During negotiations, the administrator immediately informs the applicants about the situation occurred and submits a proposal to resolve it, which may consist in:
- 12.7.3.1.** Allocating a different time frame for the requested train route,
 - 12.7.3.2.** Shortening the time of train passage through the overcrowded element of infrastructure by reducing the number of stopovers, their duration, reducing the weight of train, using a railway vehicle with better parameters,
 - 12.7.3.3.** Train running a substitute route,
 - 12.7.3.4.** Imposing restrictions - at specified times - running of selected trains,
 - 12.7.3.5.** An auction for unallocated traffic capacity.
- 12.7.4.** While resolving conflicts when allocating the routes, the manager strives to find a solution which is a compromise for the parties involved in the dispute.
- 12.7.5.** The consultation process referred to above must end and the position that resolves the conflict must be presented within 7 days from the date of notifying the applicants about the dispute.
- 12.7.6.** If the traffic capacity specific to a standstill is not sufficient, the manager immediately notifies the applicants about situation occurred and submits a proposal to resolve it, which may consist in indicating another place of a standstill.
- 12.7.7.** In the event of insufficient shunting capacity, the rules indicated in para. 12.7.3.1. and 12.7.4. above shall apply.
- 12.7.8.** In the event of collisions of train routes within the timetable other than annual, rules indicated in para. 12.7.3.1. and 12.7.4. above shall apply.
- 12.7.9.** In the event the dispute is not resolved in the manner provided for above, each of the parties may request the competent public administration or courts to resolve the dispute.

12.7.10. Insufficient traffic capacity

12.7.10.1. If any section of railway line is found to have insufficient traffic capacity, the manager immediately notifies the President of UTK and applicants who requested the allocation of traffic capacity on this section of railway line. The obligation to notify also applies if a section of railway line is found on which the manager predicts the insufficient traffic capacity in the next annual train timetable;

12.7.10.2. The manager, within 6 months from the date of notification referred to in point 12.7.10.1. above, is obliged to analyse the traffic capacity on the section of railway line with insufficient capacity in accordance with § 13 of the Regulations and submit the results of analysis to the President of UTK;

12.7.10.3. The manager, within 6 months from the date of submitting the results of the analysis of traffic capacity, after consultations with railway operators performing transport on a section of railway line concerned, elaborates the plan aimed at increasing traffic capacity in accordance with § 14 of the Regulations and submits it to the President of UTK.

12.8. Priorities applied at the stage of elaboration of a timetable, including the conditions under which previous level of utilization of traffic capacity by the applicant are taken into account

CARGOTOR Sp.z o.o. does not apply priorities at the stage of elaboration of a timetable.

12.9. Rules and criteria for the allocation of traffic capacity applicable within the framework of collaboration with other managers, including the way of dealing with difficulties in determining multi-network routes

12.9.1. These rules apply to trains running on lines adjacent to railway infrastructure managed by PKP Polskie Linie Kolejowe S.A. (lines 865, 866, 867, 906). For the sake of consistency, the manager informs that these rules also apply to PKP PLK S.A. line no. 60 (width of 1520 mm).

12.9.2. Requests for the allocation of traffic capacity for the infrastructure indicated in para. 1 above, the applicant submits to PKP Polskie Linie Kolejowe S.A. This applies in particular to requests regarding the annual timetable (see point 12.5.2 of the Regulations), requests for individual timetable and requests regarding the simplified timetable.

12.9.3. Due to the fact that the railway infrastructure managed by CARGOTOR Sp. z o.o. is accessible only from the infrastructure managed by PKP Polskie Linie Kolejowe S.A. the procedure and deadlines for the submission of requests referred to in point 12.9.2. above are determined by PKP Polskie Linie Kolejowe S.A. in the Network Regulations or other document regulating this issue. List of lines adjacent to railway infrastructure managed by PKP Polskie Linie Kolejowe S.A. constitutes the Attachment no. 3 to these Regulations (the relevant diagram is included in Attachment no. 3a).

- 12.9.4.** The allocation by PKP Polskie Linie Kolejowe S.A. of traffic capacity is binding for CARGOTOR Sp. z o. o., if the allocation was previously agreed with CARGOTOR Sp. z o. o. and information indicated in the Attachment no. 6 to the Regulations was provided by the applicant within deadline for the submission of request to PKP Polskie Linie Kolejowe S.A. Such information should be addressed to the Railway Traffic Department.
- 12.9.5.** Rules for allocating the routes for trains running along the line no. 60 with a width of 1520 mm at the Brześć - Terespol border crossing are defined by the "Minutes of the meeting of the Belarusian-Polish Border Commission on the reconciliation of the Timetable and the plan for the formation of freight trains for 2018/2019 at the border crossing points between PKP PLK and BCz of October 18, 2018. This procedure is available on the website www.cargotor.com. In the event of discrepancies between the provisions of the above procedure and these Regulations, the provisions of the above procedure shall apply.

12.10. Rules for establishing communications,

CARGOTOR Sp. z o.o. does not use communications between individual trains and shunting trains.

12.11. Procedure in the event of overcrowding of infrastructure section referred to in § 7 para. 11 point 1 of the Regulation, including the level of utilization of train route entitling the manager to refuse to allocate the train route on a given section to the applicant

- 12.11.1.** In the event of overcrowding of infrastructure section referred to in § 7 para. 11 point 1 of the Regulation, the Manager is entitled to refuse to allocate to the applicant an infrastructure section:
- 12.11.1.1.** In the event of its occupancy by another applicant;
 - 12.11.1.2.** In an emergency situation, in particular a threat to safety of persons or property;
 - 12.11.1.3.** In the event of implementation of tasks related to preventing or removing the effects of railway accidents.
- 12.11.2.** In case of refusal to allocate an infrastructure section to the applicant, the manager informs him immediately of the reason for refusal, at the same time providing possible variants for examining the request submitted by the applicant.
- 12.11.3.** If, despite the actions, it is not possible to fulfil orders specified in the request due to limited traffic capacity on parts of lines adjacent to the point of interconnection of railway lines of different managers, the procedure in this regard is implemented by the manager responsible for the cause of lack of traffic capacity.
- 12.11.4.** The size of utilization of train route entitling the manager to refuse to allocate a train route to a given applicant on particular section is under 70% of

the train route allocated to a given applicant in the period covering 31 consecutive planned travels.

12.12. Catalogue routes,

Currently, CARGOTOR Sp. z o.o. does not use catalogue routes.

12.13. Way of providing applicants with information on free traffic capacity for the needs of an individual train timetable

Information on free traffic capacity for the needs of an individual train timetable is provided by the manager at the request of the applicant with whom an agreement for the allocation of traffic capacity is concluded, in electronic or telephone form. Requests are directed to the Railway Traffic Department.

12.14. Procedure for accepting by the applicant the individual train timetable

12.14.1. The procedure for submitting requests for **individual train timetable for railway lines not adjacent** (single-network routes) to railway infrastructure managed by other managers (line no. 450 on the track with a clearance of 1520 mm and line 906 on the track with a clearance of 1435 mm):

12.14.1.1. The applicant with whom the manager has priorly concluded an agreement for the allocation of traffic capacity is entitled to submit a request to allocate train route for a period longer than the validity of annual train timetable and longer than simplified timetable, individual timetable. Such a request should be submitted in an electronic form (e-mail), after the deadline for submitting requests to allocate traffic capacity as part of the annual timetable (hereinafter referred to as "**IRJ request**");

12.14.1.2. In case of an IRJ request submitted by the day of providing the applicants with an annual train timetable, the manager elaborates an **individual train timetable** within 5 working days from the date of providing the applicants with an annual train timetable, and if the annual timetable has not been elaborated, within 5 working days from the second Saturday in December;

12.14.1.3. for the IRJ request submitted after the date of providing the applicants with an annual train timetable and before the deadline specified in the Regulations, after which the manager does not allocate the traffic capacity on the basis of IRJ requests, the manager immediately elaborates a **draft of individual train timetable**, but not later than within 5 working days from the date of submitting a IRJ request;

12.14.1.4. Date after which the manager does not allocate traffic capacity on the basis of IRJ requests is 5 working days before the scheduled deadline for the utilization of traffic capacity;

12.14.1.5. The draft of individual train timetable will be elaborated within more than 5 working days in the following cases: accident or breakdown of railway infrastructure or other force majeure event. In this case, the

manager informs an applicant about the deadline for elaborating a draft of individual train timetable.

12.14.1.6. The manager examines the IRJ requests in the following order:

12.14.1.6.1. The obligation to implement transport imposed by the provisions of transport law;

12.14.1.6.2. Restrictions arising from the need to provide traffic capacity referred to in § 7 para. 1 point 1 of the Regulation;

12.14.1.6.3. The best possible utilization of traffic capacity;

12.14.1.6.4. Scheduled travel time;

12.14.1.6.5. Order of submitting requests.

12.14.1.7. In order to fulfil the IRJ request it is possible to change the previously allocated traffic capacity subject to a consent of the applicants concerned;

12.14.1.8. With reference to a request for modification of the allocated train route, points 12.14.1.3. to 12.14.1.7. above and points 12.14.2 to 12.14.9 below apply accordingly, except that the request includes the annotation "correction";

12.14.2. IRJ request should be directed directly to the Railway Traffic Department.

12.14.3. The template of IRJ request is attached as the Attachment no. 4 to these Regulations.

12.14.4. ITJ request should include following information:

12.14.4.1. Itinerary and train/railway vehicle route,

12.14.4.2. Type of transports performed,

12.14.4.3. Type and series of traction vehicle or technical data along with traction characteristics of traction vehicle,

12.14.4.4. Maximum train speed,

12.14.4.5. Gross weight of train/railway vehicles, except that the reduction of weight does not require to submit a request to modify the allocated train route (correction),

12.14.4.6. Length of train / railway vehicles, whereas it is not necessary to submit a request for modifying the allocated train route (revision) if the length is reduced

12.14.4.7. Duration of running from - to,

12.14.4.8. Operates on: week days

12.14.4.9. Time of standstill at the siding/station,

12.14.4.10. Requested time of departure,

12.14.4.11. Number of cars

12.14.4.12. Agreed siding operation plan /hours/.

12.14.5. The Manager examines requests submitted within deadline indicated in these Regulations.

12.14.6. The date of submission of request sent by e-mail is the date of receipt of request by an employee of the Manager receiving the request (date of e-mail receipt).

12.14.7. The Manager acknowledges the receipt of request in an electronic form.

12.14.8. CARGOTOR Sp. z o.o. notifies the applicant about elaboration or refusal to elaborate an individual timetable in an electronic form (e-mail).

12.14.9. The Manager may examine the request under condition of amending the request by the applicant, which will make its examination possible.

12.14.10. CARGOTOR Sp. z o.o. is entitled to request, and the applicant is obliged to provide any other information or documents necessary to examine the IRJ request. If the applicant fails to submit them within deadline set by the manager - CARGOTOR Sp. z o.o. may reject the request, about which the applicant is immediately informed.

12.14.11. The procedure for submitting requests for **individual train timetable for railway lines adjacent** (multi-network routes) to railway infrastructure managed by other managers (line no. 865 , 866 , 867, 906) is set out in point 12.9 of the Regulations.

12.15. Threshold rate of utilisation of train route, default of which may result in loss of right to use the train route;

If a train route is utilized less than 70% of the allocated traffic capacity by a given applicant/railway operator during the period of 31 consecutive planned passages, it may result in losing the right to use the train route. An applicant/railway operator will be informed by the manager in a manner provided for in the agreement for the allocation of traffic capacity or in the agreement for utilisation of traffic capacity, respectively.

13. Mode, conditions and deadlines for making changes to train timetable

13.1. Changes to the **annual train timetable** are made in accordance with the rules indicated in point 12.5. of the Regulations.

13.2. **Changes to individual train timetable** are made in accordance with the rules indicated in point 12.14.1.8. of the Regulations.

13.3. The manager does not provide for changes to the **simplified timetable**.

14. Way of notifying about changes concerning the technical and operational parameters and railway lines on which train routes have been allocated, including the restrictions related to works, speed restrictions and other operating restrictions, incorrect operation of railway traffic control and communication devices as well as rolling stock control and diagnostic devices

Notification of changes regarding the technical and operational parameters of railway lines on which train routes have been allocated, **including** the restrictions related to works, speed restrictions and other operational restrictions, incorrect operation of railway traffic control and communication devices is available at the website www.CARGOTOR.com by posting the Regulations for temporary railway traffic operations and shunting works during the overhaul/repair and the Attachment no. 2 to internal train timetable containing the list of constant warnings and operating speeds in force within the area managed by CARGOTOR Sp.

z o.o. in the Małaszewicze transshipment area. In addition, the above information will be transferred by electronic way (e-mail) to applicants using the infrastructure within the region in question, with whom the manager entered into an agreement for the allocation of traffic capacity and to railway operators using the infrastructure within the region in question, with whom the manager entered into an agreement for the utilisation of traffic capacity, to the addresses given in these agreements.

15. Procedures for elaborating and entities responsible for drafting the repairs schedules

- 15.1.** The procedure specific to drafting the repairs schedules:
 - 15.1.1.** Performance of diagnostics and drafting protocols from the measurements and technical tests of railway infrastructure and engineering structures managed by CARGOTOR Sp.z o.o. ;
 - 15.1.2.** Analysis of diagnostic protocols/ measurements and drawing operational conclusions
 - 15.1.3.** Determining the urgency of works;
 - 15.1.4.** Drafting the plan of repairs and overhauls for a given calendar year in consultation with the Railway Traffic Department and the Sales Department.
- 15.2.** A detailed procedure for drafting the repair schedules is included in the basic Instruction: TU-01 (Instruction for maintenance of permanent way along with railway bed and engineering structures used by CARGOTOR Sp.z o.o.), which is available at the website www.CARGOTOR.com
- 15.3.** Entity responsible for drafting repair schedules: Infrastructure Maintenance Department CARGOTOR Sp.z o.o.

16. Special measures to be taken in the event of disruptions in traffic of trains caused by a technical failure or an accident resulting in undertaking of all necessary steps to restore the normal operation, including an action plan in instances requiring notification of competent authorities

- 16.1.** In the event of disruptions in train traffic caused by technical failure or an accident, CARGOTOR Sp. z o.o. immediately informs about that the applicants who have been allocated with traffic capacity on infrastructure on which the technical failure or accident occurred. CARGOTOR Sp. z o.o. also informs about alternate possibilities of utilization of traffic capacity, taking into account the applicants' interest in implementing transports and competent authorities. A detailed action plan provides for Instructions of conduct in cases of serious accidents, accidents and incidents on infrastructure managed by CARGOTOR Sp.z o.o. TR-02 available at www.CARGOTOR.com. In addition, the above information will be transferred by electronic way (e-mail) to applicants using the infrastructure in the region in question, with whom the manager entered into an agreement for the allocation of traffic capacity and to railway operators using the infrastructure in the region in question, with whom the manager entered into an agreement for the utilisation of traffic capacity, to the addresses given in these agreements.
- 16.2.** CARGOTOR Sp. z o.o. will also take immediate action to restore previously

possessed traffic capacity, about which he will immediately notify the applicants.

17. Control actions carried out by authorized employees of the manager

The manager has the right as part of control actions:

- 17.1.** To perform control actions regarding trains, railway vehicles and railway operator's employees in order to ensure the traffic which is safe and complies with legal regulations;
- 17.2.** To prevent passage of a train or stoppage of train in case of finding the default by the rolling stock or railway operator's employees in meeting the requirements set out in relevant regulations, rules and agreements;
- 17.3.** To perform actions controlling the railway operator's employees and rolling stock, including transport documentation and technical condition of the railway operator's rolling stock;
- 17.4.** To perform control of compliance with order regulations within the railway area, in trains and railway vehicles owned by railway operator;
- 17.5.** To request explanations from the railway operator regarding the way of implementation of agreement for the allocation and utilization of railway infrastructure in cases where there is justified concern of breaching the provisions of the aforementioned agreements or the threat to safety of persons or property.

18. Threshold rate of utilization of train route allocated on the section of railway infrastructure with insufficient traffic capacity, exceeding of which by a railway operator authorizes the manager to deprive him of the right of its utilization

If the railway operator utilizes a train route allocated on a section of railway infrastructure with insufficient traffic capacity at a level of less than 70% in the period covering 31 consecutive planned passages, the manager is entitled to deprive him of the right of its utilization. The manager will inform the applicant/operator about depriving him of the right to utilize a train route, in case of finding out the non-utilization of route at the level of 70% in the manner provided for in the agreement for the allocation of traffic capacity or respectively in the agreement for the utilization of traffic capacity.

19. Way of determining and collecting fees for utilization of railway infrastructure

19.1. Applicable regulations in terms of way of determining fees

CARGOTOR Sp. z o.o. applies the same principles of collecting fees for all Applicants /carriers for the entire railway network being under its management. In addition, he informs that unit rates are determined based on the actual state and partly on the planned state. The rules for determining fees have been developed on the basis of provisions of:

- a) Directive of the European Parliament and of the Council 2012/34/EU of 21 November 2012 (hereinafter referred to as the „**Directive**”),
- b) the Act of 28 March 2003 on railway transport;

- c) Regulation of the Minister of Infrastructure and Construction of 7 April 2017 on access to railway infrastructure.

CARGOTOR Sp. z o.o. may request the Applicant/carrier to present a financial guarantee referred to in Commission Implementing Regulation (EU) 2015/10 of 6 January 2015 on criteria for applicants submitting applications for the provision of railway infrastructure capacity and repealing the Regulation. (EU) No 870/2014 (OJ L 3/34, 7.1.2015).

- 19.2.** Draft of a pricelist referred to in art. 13 para. 13 of the Act;

The pricelist referred to in art. 13 para. 13 of the Act, forms attachment no. 10 to the Regulations. The manager has not drafted the market analysis, referred to in § 21 para. 17 of the Regulations.

- 19.3.** The draft price list for the use of railway infrastructure with a track width of 1435 mm will be published, in accordance with art. 33 para. 14 of the Act, immediately after its preparation.

- 19.4.** Way of determining the category of railway line

The line categories as defined by CARGOTOR Sp. z o.o. are indicated in attachment No. 1.

- 19.5.** The split of transport market applied while determining the scope of using the part of fee related to the type of transports performed referred to in § para. 1 of the Regulation.

CARGOTOR Sp. z o.o. did not split the market of transports, since the railway infrastructure managed by CARGOTOR Sp. z o.o. operates exclusively the freight traffic. Freight traffic is not split into types (due to cargo transported) when determining the fee.

- 19.6.** The value of the part of fee related to the type of transports performed referred to in § 21 para. 1 of the Regulation broken down to types of transports.

Not applicable. Currently, the manager does not conduct a classification in terms of the types of transports performed, since the infrastructure managed by CARGOTOR Sp. z o.o. operates only freight traffic.

20. Template of framework agreement, if the manager offers its conclusion

The manager does not offer a framework agreement.

21. Procedures for dispute and appeal resolution specific to matters related to the provision of railway infrastructure and an implementation plan referred to in art. 30f para. 4 of the Act

- 21.1.** Disputes and appeals regarding matters related to provision of infrastructure will be addressed to the Management Board of CARGOTOR Sp. z o.o.

- 21.2.** Disputes and appeals in matters related to the implementation plan will be addressed to the Management Board of CARGOTOR Sp. z o.o.

- 21.3.** Requests and appeals to be submitted in writing at the headquarters of CARGOTOR Sp. z o.o. with detailed description of the matter and reasoning and proposed dispute resolution.

- 21.4.** In the event of formal defects of a request or an appeal, CARGOTOR Sp. z o.o. requests to remove them within 7 days from notification of the request under pain of leaving the letter without its recognition.
- 21.5.** Disputes and appeals addressed to the Management Board of CARGOTOR Sp. z o.o. will be resolved within 10 working days of receipt of a letter in question, and in the case of formal defects within 10 working days of their removal.
- 21.6.** Upon the consent of the parties, the dispute may be submitted for a resolution of a third party (arbitrator) ensuring impartiality of the dispute resolution, selected by the manager and accepted by the other Party. The decision of the arbitrator binding for the Parties and the manner of breakdown of costs of proceedings before such third party, including its remuneration, the Parties agree in writing within 5 working days from the date of parties' consent to submit the dispute to the resolution by a third party. In case of failure to establish within this deadline the above-mentioned rules to prolong the deadline by the parties, the parties' declaration of submission of dispute to the resolution of a third party expires.
- 21.7.** The aforementioned procedures for dispute and appeal resolution do not exclude the use of legal remedies provided for in applicable provisions of law, except that in case of submission of dispute resolution by the third party and finding out that its resolution is binding for the parties, this will be considered as an arbitration clause.
- 22. List of service infrastructure facilities linked with the manager's network, their location in relation to railway lines, access conditions and provision of services within these objects or indication of a website where such information is provided free of charge in an electronic form**
- 22.1.** The list of service infrastructure facilities, their location in relation to railway lines forms the Attachment no. 7 to the Regulations with regard to infrastructure located in the Małaszewicze transshipment area and the Attachment No. 3 to the Regulations with regard to infrastructure located outside the Małaszewicze transshipment area. The schematic location of service infrastructure specific to railway lines forms the Attachment no. 3a and the Attachment no. 7a to the Regulations, respectively.
- 22.2. Conditions for an access and provision of services in service infrastructure objects:**
- 22.2.1.** In order to obtain an access to the service infrastructure, a railway operator is obliged to send in an electronic form to the address ruchkolejowy@CARGOTOR.com a request in accordance with the template constituting the Attachment No. 4 to the Regulations, except that the request does not have to contain the following data:
- 22.2.1.1. itinerary and train/railway vehicle route,
 - 22.2.1.2. maximum train speed,
 - 22.2.1.3. gross weight of train/railway vehicles,
 - 22.2.1.4. purpose of shunting operation,
 - 22.2.1.5. location of shunting operation,
 - 22.2.1.6. type of shunting vehicles;
- The request may be submitted at any time. In the event of a need for an emergency exclusion of a car, it is allowed to submit the request by radio-

- telephone, which then should be confirmed by a request in an electronic form;
- 22.2.2.** The request is examined by the manager within 14 days of the date of receipt of written request by the manager/ subject to point 22.2.6. below, the manager shall inform about the request examination in an electronic form, to the address indicated in the request or address, from which the request was sent or by telephone in emergency cases. The manager does not disclose any secret information of the enterprise obtained in connection with sharing the object, whenever it was expressly indicated by the applicant along with reasoning (indication) that the information constitutes a secret of the enterprise;
- 22.2.3.** The railway operator acquires the right to utilize services provided within the object after the conclusion with the manager an agreement specifying in particular the rights and obligations of the manager and the railway operator connected with services provided, except that the manager, upon his own discretion, may conclude with the railway operator one agreement instead of an agreement referred to in art. 30C para. 2 of the Act (an agreement for utilization of traffic capacity between the manager and railway operator, and agreement referred to above, containing all the provisions required by these agreements);
- 22.2.4.** The rail operator applies in writing (also e-mail to: sprzedaz@cargotor.com) to the Sales Office of CARGOTOR Sp. z o.o. to conclude a contract for the use of capacity;
- 22.2.5.** The manager may refuse to grant to any railway operator an access to facility if:
- 22.2.5.1. This railway operator may perform the scheduled railway transport on economically comparable terms using another facility provided, except situation when the operator informs the manager that the operator of the indicated facility refused him the access,
- 22.2.5.2. A positive examination of a request would entail a need to incur expenditures by the manager referred to in art. 36b para. 3 of the Act,
- 22.2.5.3. Due to the lack of sufficient traffic capacity, a positive examination of the request would prevent the manager to meet his own reasonable needs or fulfil obligations under agreements previously concluded with other railway operators;
- 22.2.6.** In the event of refusal of an access to service infrastructure, the administrator justifies his refusal in writing and forwards it to the rail operator without delay, but not later than within 14 days. In the event referred to in point 22.2.5.1. above, the manager indicates in his refusal referred to above, another facility that will enable the railway operator to perform railway transport on economically comparable terms, if the manager has knowledge on such a facility;
- 22.2.7.** The railway operator is obliged to provide a report on utilization of service infrastructure facility within a given calendar month, within no more than 3 working days after the end of a given calendar month;
- 22.2.8.** CARGOTOR Sp. z o.o. does not elaborate an annual timetable for service infrastructure facilities. Access to dispatch points (cargo terminals) takes place on the basis of a positively examined request and concluded agreement

referred to in point 22.2.3. above;

22.2.9. Detailed technical conditions for an access to facilities of service infrastructure outside the Małaszewicze transshipment area:

22.2.9.1. No facility of service infrastructure (managed by CARGOTOR Sp. z o.o.) has traffic posts, and points and derailleurs are manually shifted by the shunting team of the railway operator using it,

22.2.9.2. Entry to the area of service infrastructure facility managed by CARGOTOR Sp. z o. o. in all locations takes place from the infrastructure managed by PKP Polskie Linie Kolejowe S.A.,

22.2.10. More detailed data on technical access to service infrastructure facilities (outside the Małaszewicze transshipment area) can be found in the Attachment no. 9 to the Regulations and in the Regulations of dispatch points (cargo terminals), which are available at the headquarters of CARGOTOR Sp. z o.o. at the Plenipotentiary in charge of Safety Management System;

22.2.11. Detailed data of technical access to service infrastructure facilities (outside the Małaszewicze transshipment area):

22.2.11.1. Service infrastructure facilities (managed by CARGOTOR Sp. z o.o.) do not have traffic posts, and points and derailleurs are manually shifted by the shunting team of the railway operator are located in Zaborze, Raniewo, Podsejdków, Wólka

22.2.11.2. Service infrastructure facilities (managed by CARGOTOR Sp. z o.o.) with traffic posts, and points and derailleurs manually shifted by employees of CARGOTOR Sp. z o.o. are located in following locations:

- Małaszewicze station, including MsC train announcement post, Ms-1, Ms-2, Ms-4, Ms-5, Ms-51, Ms-61, Post.1 and Post.2 dependent posts,
- Kobylany station, including MsD train announcement post and Ms-41 and Post.12 dependent posts,
- Chotyłów station, including Cht-2 dependent post,
- Bór station including Br train announcement post and Br-1 dependent post.

22.2.11.3. More detailed data on technical access to service infrastructure facilities within Małaszewicze transshipment area can be found in the Attachment no. 7 to the Regulations, in the technical regulations of stations and regulations of sidings and dispatch points (cargo terminals), which are available at the headquarters of CARGOTOR Sp. Z o.o. at the Plenipotentiary in charge of Safety management System;

22.2.12. Fees for an access to service infrastructure facilities will be included in the pricelist, draft of which constitutes the Attachment no. 10.

22.3. Requests for an access to service infrastructure facilities will be examined in accordance with a sequence of receipt of requests which meet the requirements specified in the Regulations and the agreement for the utilization of traffic capacity with a given railway operator.

23. Procedure to obtain derogations from requirements for knowledge of Polish for train drivers from other European Union member states specific to railway lines or sections of railway

lines including border crossings with European Union states neighbouring the Republic of Poland

Not applicable. Railway lines (or sections of railway lines) managed by CARGOTOR Sp. z o.o. do not include border crossings with European Union states neighbouring the Republic of Poland.

24. Rules for introduction of substitute transportation

Not applicable. No passenger transport is conducted on railway infrastructure managed by CARGOTOR Sp. z o.o. but only freight transport, therefore no substitute transportation is planned.

25. Mode, deadline and manner of introducing amendments and updates in Network Regulations in case such necessity occurs

25.1. Amendments to these Regulations with regard to rights and obligations of applicants or railway operators, in particular the conditions of an access to railway infrastructure and service infrastructure will be introduced by CARGOTOR Sp. z o.o. after previous consultations with applicants, with whom the manager has concluded agreements for the allocation of traffic capacity and operators with whom the manager has concluded agreements on the utilization of traffic capacity or agreements referred to in Article 36c para. 1 of the Act.

25.2. Amendments to these Regulations may be introduced at any time, in particular in case of:

25.2.1. Changes in actual state, including changes in characteristics of the railway infrastructure or service infrastructure managed,

25.2.2. Submission of a request by an applicant or railway operator,

25.2.3. Amendments in provisions of law or adjusting the Regulations to provisions of law, or amended interpretation of law,

25.2.4. Occurrence of other justified reason, including the need for clarification of Regulations or changes in its scope, after prior notification of applicants and railway operators referred to in point 25.2.1. above will enter into force on the date indicated in the notification, but not earlier than 14 days from the notification of the above entities.

25.3. Notification and consultations may take place in writing or electronic form, including the posting of planned amendments to the Regulations on the website www.CARGOTOR.com

25.4. CARGOTOR Sp. z o.o. will notify those who give comments about inclusion or non-inclusion of their comments in the planned amendments, if they are sent within the deadline for submitting comments indicated in the notice of a planned amendment to following e-mail address: regulamin@CARGOTOR.com

26. Other provisions

26.1. CARGOTOR Sp. z o.o. takes part in co-ordinating the international train routes

running on line no. 60 with a width of 1520 mm at the Brześć - Terespol border crossing in accordance with the procedure for allocating freight train routes to Polish railway operators performing railway transports through Belarusian Polish border crossing on 1520 mm track dated September 9, 2015. This procedure is available on the website www.CARGOTOR.com. In case of discrepancies between the provisions of the above procedure and these Regulations, the provisions of the above procedure shall apply.

- 26.2.** CARGOTOR Sp. z o.o. also manages the railway infrastructure covering the 1520mm track gauge. Art. 36 of the Act limits the application of art. 29-35 of the Act among others to railway infrastructure including railway lines with a width other than 1435mm.
- 26.3.** The manager may allow the start of train, whose reporting of readiness for departure, due to reasons attributable only to railway operator, was delayed not more than 12 hours.
- 26.4.** For the sake of consistency of information as for the rules of making available the railway infrastructure covering 1520 mm tracks, the manager informs that making this infrastructure available in terms of elaboration of annual timetable, individual time table and simplified timetable takes place on the same terms and conditions as indicated in these Regulations.
- 26.5.** Attachments to the Regulations form an integral part thereof.
- 26.6.** The manager will update the characteristics of railway infrastructure covered by the Regulations at least once per year in accordance with data included in national infrastructure register.

27. Applicability of the Regulations

- 27.1.** Besides the timetables being valid until December 12, 2020. and related price lists, regulations and agreements, as well as their amendments, the existing regulations and Network Regulations, as well as the allocation of train routes and use of allocated train routes to railway operators on the infrastructure managed by CARGOTOR Sp. z o.o. for 2019/2020 shall apply.
- 27.2.** The provisions of the Regulations regarding service infrastructure are applied for making available the facilities of railway infrastructure.

28. Attachments:

- 1) List of railway lines made available to applicants along with their characteristics ,
 - 1a) List of railway lines with rail gauge 1520 mm
- 2) List of dispatch points (cargo terminals), their location in relation to railway lines and their characteristics,
- 3) List of points adjacent to railway infrastructure of other managers excluding dormant infrastructure facilities,
 - 3A) schematic location of service infrastructure in relation to railway lines - Location outside the Małaszewicze transshipment area
- 4) Route allocation request template,
- 5) Template of request to allocate traffic capacity for implementation of a standstill of railway vehicles.

- 6) Information transferred in case of allocation of traffic capacity in force within a framework of cooperation with other managers,
- 7) List of service infrastructure facilities linked with the manager's network, their location in relation to railway lines,
 - 7a) Tabular list of railway infrastructure and service infrastructure facilities with the assignment of services provided - Małaszewicze district
- 8) List of services provided within the scope of service infrastructure managed by CARGOTOR Sp. z o.o.,
- 9) Detailed data of technical access to service infrastructure facilities (outside the Małaszewicze transshipment area),
- 10) Draft of a pricelist
- 11) List of railway tracks (shunting) made available to applicants in Małaszewicze District along with their characteristics.
- 12) Regulations of the Coordination Centre