

Supplement 5 to the Network Statement 2017

ProRail has adopted the following supplements and/or changes to the Network Statement 2017 Combined Network, in accordance with the provisions of Chapter 1.6 of this Network Statement.

1 Non-usage / cancellation rules

The text in Chapter 4.6 'Non-usage / cancellation rules' is replaced with:

If it becomes clear one hour before departure that the capacity will not or cannot be used by the titleholder, ProRail is entitled to grant the capacity to other titleholders. If it appears that the capacity reserved in standard paths for freight trains as referred to in Section 13 Railway Capacity Allocation Decree will not be used, this capacity will from the time of delivery to traffic control become available for other market segments. ProRail can designate specific train paths that will become available sooner.

If a titleholder within a period of at least 1 month uses less than 80% of the capacity for public passenger transport on route sections and platform tracks allocated in the annual timetable (including change sheets), or uses less than 50% of the capacity for other purposes, ProRail can reclaim the capacity rights. Calculation takes place on the basis of (related) train number per traffic day on the open track and platform tracks (the latter exclusively in case of private passenger transport). In case of other use, changes to the timetables are regarded as use of the acquired capacity. In that case, ProRail will at least three weeks before the time of performance consult with the railway undertaking and, if applicable, the titleholder not being a railway undertaking to whom the capacity has been allocated. The titleholder will be given an opportunity to explain the unused capacity. ProRail will take the provided explanation into account. A reservation charge is also due for train paths that are cancelled and train paths that are not used. The reservation charge for unused capacity has the purpose of encouraging an efficient use of capacity. The criteria and levy of the reservation charge are stated in Chapters 6.4.1 and 6.4.2.

To prevent unused capacity at railway yards, capacity on one or more specific tracks can, in agreement between ProRail and the related titleholders, be allocated to multiple titleholders for combined use. In doing so, titleholders can cooperate whereby one of them is designated as being responsible for the daily logistic coordination.

Moreover, ProRail can reclaim the capacity rights in case of capacity on railway yards that during at least one month has been used for less than one quarter of the hours. Calculation takes place on the basis of (related) train number per traffic day on the railway yard. In that case, ProRail will at least three weeks before the time of performance consult with the railway undertaking and, if applicable, the titleholder not being a railway undertaking to whom the capacity has been allocated. The titleholder will be given an opportunity to explain the unused capacity. ProRail will take the provided explanation into account.

A reservation charge is also due for capacity on railway yards that is cancelled and for capacity on railway yards that is not used. The reservation charge for unused capacity has the purpose of encouraging an efficient use of capacity. The criteria and levy of the reservation charge are stated in Chapters 6.4.1 and 6.4.2.

Capacity rights will not be reclaimed if non-utilisation is due to non-economic reasons beyond the control of the titleholder. ProRail will investigate - also through enquiries with the titleholder involved - whether such is the case.

Non-utilisation as referred to in this chapter includes the situation whereby the train does not appear to have the characteristics stated in the capacity request, which characteristics would have resulted in a different handling of the request in terms of physical and environmental acceptability.

2 Tariffs

- I. In Table 6.3 of Chapter 6.3.1.1.2 'Betuweroute':

- the text “or light locomotive” is dropped in the header;
- the text “light locomotive” is replaced with “to 160 tons”;
- the text “to 3,000 tons” is replaced with “from 161 to 3,000 tons”;
- the “**” is dropped, as well as the text “For trains for which more than 1 and a maximum of 2 standard paths are allocated, a surcharge of 100% applies to the aforementioned charges.”.

- II. In Table 6.4 of Chapter 6.3.1.2.1 ‘Combined Network’:
- the text “x 250%” is dropped twice;
 - the “***” is added to sliding scale 2 , and under the table the text is added “*** A time-space slot that extends into another day and is shorter than 24 consecutive hours is calculated as one day.”.

- III. In § 6.3.1.1.1 ‘Combined Network’, Tables 6.1a and 6.1b are replaced with:

Table 6.1a Charges for the use of train paths Combined Network – freight transport market segment

Weight category of the train	Tariff (per train kilometre)
up to 120 tons	€ 2.4583
from 121 to 160 tons	€ 2.4583
from 161 to 320 tons	€ 2.7705
from 321 to 600 tons	€ 2.9132
from 601 to 1,600 tons	€ 2.9132
from 1,601 to 3,000 tons	€ 2.9132
from 3,001 tons	€ 3.8871

Table 6.1b Charges for the use of train paths Combined Network – other market segments

Weight category of the train	Tariff (per train kilometre)
up to 120 tons	€ 0.8405
from 121 to 160 tons	€ 1.0517
from 161 to 320 tons	€ 1.3322
from 321 to 600 tons	€ 1.8614
from 601 to 1,600 tons	€ 2.9809
from 1,601 up to 3,000 tons	€ 3.5892
from 3,001 tons	€ 3.8934

- IV. In Chapter 6.3.1.4 ‘Tractive power supply’, Table 6.7 is replaced with:

Table 6.7 Charge for the use of the tractive power supply

Charge (per kilowatt hour)
€ 0.008286

- V. In Appendix 26 ‘Performance schemes’, the fee under the header ‘Option B’ in Section 2.1 ‘Run train paths’ is replaced with € 36.29.

3 Reservation charge

The intended change as included in draft supplement E to the Network Statement 2017 (reference 3952540 version 1 of 22 December 2016) with respect to Chapter 6.4.1.2 ‘Freight transport and other transport’ and Chapter 6.4.2.3 ‘Freight transport and other transport – train path’ lapses.

4 Noise discount scheme

- I. Added to Chapter 6.4.3 'Silent rolling stock discount' is the text:
"The railway undertaking making use of retrofitted freight stock in the sense of Chapter 6.4.3.1 is also entitled to the scheme applicable to silent freight trains in the sense of Chapter 6.4.3.2."
- II. In Chapter 6.4.3.2 'Discount for running silent freight train', the sentence:
"In accordance with Article 5(3) of Implementing Regulation (EU) 2015/429, the discount on the track access charge for a silent train is maximised at 50% of the total value of bonuses applicable to retrofitted wagons."
is replaced with:
"In accordance with Article 5(3) of Implementing Regulation (EU) 2015/429, the discount on the track access charge for silent trains is maximised at 50% of the total value of bonuses applicable to retrofitted wagons."

5 Use of Betuweroute tracks

In Appendix 6 'Operational Conditions':

- I. the text "version 1 October 2016" is replaced with "version 1 March 2017";
- II. Section 2.1.5 'Use of tracks on Betuweroute railway sidings and shunting yards' lapses.

6 Performance scheme

In Appendix 26 'Performance schemes':

- I. The text "(Combined Network)" is scrapped from the title of Section 3.2; the text "on the Combined Network" is scrapped from the text of Section 3.2; the percentage of 100% in the text of Section 3.2 is replaced with 50%.

- II. Section 3.3 is added:

3.3 Performance scheme removal of railway vehicles on railway sidings and shunting yards in case of non-agreed use

To prevent that non-agreed use by railway freight vehicles of railway yards could (threaten to) displace freight trains of third parties on centrally controlled tracks in Venlo and tracks 341, 342, 343, 304, 306 and 307 on centrally controlled tracks in Rotterdam Waalhaven Zuid.

Principle:

- The practice falls under Article 14 of the General Terms & Conditions.

Non-agreed use of capacity applies when a railway undertaking, which has delivered and/or taken receipt of one or more railway vehicles, fails to stable these in accordance with the capacity allocated by ProRail to the railway undertaking. If this threatens to prejudice the capacity allocated to other railway undertakings involved in freight transport, and the infringing railway undertaking fails to respond adequately to a request by ProRail to remove the railway freight vehicles from the relevant track, a summons by ProRail will follow. ProRail must in its summons indicate that no alternative track is available at the railway yard to guarantee the traffic flow of third-party freight trains. The railway undertaking that has delivered and/or taken receipt of the railway vehicles in accordance with Article 10 Paragraph 6 of the General Terms & Conditions will within one hour of the summons remove the infringing railway vehicles. If this summons is not complied with within one hour, a malus will be charged.

The malus is as follows:

Time period after summons	Malus	

0-60 minutes	€ 0	
61-240 minutes	€ 500	Per hour or part thereof
From 241 minutes	€ 1500	Once per infringement additional to the preceding period

III. Section 3.4 is added:

3.4 Performance scheme registration non-RID wagons in W-LIS

Objective:

- Achieve good registration of non-RID wagons in W-LIS of by rail freight undertakings on a voluntary basis. W-LIS aims to support safe incident control by means of ensuring the timely recording of correct and complete load data.
- Bonus payable on demonstrable good performance of 80% or higher.

Principles for 2017:

The budget for the performance scheme is € 1.5 million, the performance bonus is € 0.2251 per train kilometre on the Combined Network in case of adequate results.

The combined objectives:

- Measured across the entire calendar year of 2017, non-RID wagons checked by ProRail achieve a score of 90% or higher in terms of correctly registered wagons in the W-LIS system.
- Mitigating the higher user charge resulting from the ACM decision of 23 July 2015 by means of a performance scheme for the correct registration of non-RID wagons.
- Alignment with the compensation paid in 2016.
- ProRail takes into account that rail freight undertakings could possibly wrongly achieve a score lower than 90% due to factors that are exogenous to the rail freight undertakings, in particular:
 - relevant limitations in the W-LIS system, including the DRA (digital shunting assistant);
 - breaks in the continuous digital feed by ProRail from the W-LIS system to the operational system of each rail freight undertaking. This concerns the continuous access to complete track occupation data and the position of the front and rear wagons in relation to the orientation point that is used as part of the W-LIS system. Also the push button in W-LIS to transfer wagons to a third-party titleholder, who is required to formally take over the wagons;
 - or limitations in the organisation of ProRail.

Procedure:

1. The quality checks, in any event those performed on a monthly basis, are not always representative. The system (including that of the sampling) is most reliable and representative over the period of one calendar year.
2. In 2017, reporting will take place monthly and the performances over each quarter will be averaged.
3. For the first quarter of 2017, rail freight undertakings must in order to qualify for the performance bonus attain a minimum average score of 80%.
4. For the second quarter of 2017 and each quarter thereafter, rail freight undertakings must in order to qualify for the performance bonus attain an average minimum score of 90% for the entire quarter, on condition that ProRail and the rail freight undertakings have in the W-LIS steering group established that the gaps referred to in below point 8 have been completely eliminated.
5. Following the daily sampling, the rail freight undertaking can respond within one working day, yet no later than two working days, of delivery by ProRail of the sampling report, adequately explaining which errors are not attributable to the rail freight undertaking.

6. Errors involving a sequence exchange or mirrored wagon sets with only one wagon type (without RID goods) will be regarded as a single error. If one or more wagons are missing from a wagon set and the wagons behind these missing wagons are correctly registered in W-LIS, only the missing wagon(s) will be regarded as an error. If ProRail identifies a set of ghost wagons at a railway yard as a set of orphan wagons during the same quality check/sampling, the wagons incorrectly registered in W-LIS are counted as one error and not two.
7. The correction reports by the rail freight undertaking are processed by ProRail after verification.
8. As regards the compensation scheme, the railway undertaking will in any event not be held attributable for the incorrect registration of non-RID wagons as a result of:
 - a. the transfer of wagons to transporting contractors,
 - b. the transfer of wagons on railway yard tracks to titleholders with a capacity agreement,
 - c. or on tracks that are operated by a railway undertaking with a limited Access Agreement,
 - d. errors resulting from the transfer of wagons on the repair tracks,
 - e. or errors resulting directly from the unavailability of current and complete track occupation data from W-LIS in the operational system of the railway undertaking, including the position of the first and last wagon on already occupied railway siding in relation to the orientation point.
9. ProRail will resolve the aforementioned points by making adjustments to the W-LIS system or by means of supplementary agreements between ProRail and the parties involved. As long as these adjustments/agreements have not been approved by the W-LIS steering group and have been laid down in a supplement to the Access Agreement, ProRail will correct the registrations by hand taking into the account the responses by the rail freight undertaking (see points 6, 7 and 8 above).
10. ProRail will as generic measure, during 2017, appoint a qualified continuous improvement manager (CIM) who as regards each disputed registration will decide to whom the error must be attributed (rail freight undertaking or ProRail) and will study how such incorrect registrations can be prevented in the future.

7 Rationalization

- I. In Chapter 3.2.1 'Railway network managed by ProRail', the text below is scrapped after the header 'Decommissioned route sections and tracks': "Due to building phase measures, the route section between Utrecht Maliebaan and Lunetten connection/flyover is not available for train traffic during the entire validity period of this Network Statement."
- II. In Appendix 1 'General overview map of network configuration', the line with main siding line Hengelo Zuid is scrapped from the table.
- III. In Appendix 9 'Route sections with user restrictions', the text "Hengelo, Zuid" is scrapped in the table after the header 'Passenger transport restrictions'.
- IV. In Appendix 1 'General overview map of network configuration', the text "up to intersection with Grevelingenweg" is scrapped from the table at main siding line 'Industrieterrein De Staart' in the category 'Particulars'.
- V. In Appendix 11 'Information on secondary railways', the text "in Dordrecht the main siding line 'Industrieterrein De Staart', from intersection with Grevelingenweg" is scrapped under the header 'Railways falling under the Special Railways Decree'.

8 Train length

In Chapter 3.3.2.5 'Train length', the word "maximum" under point three is replaced with "limit value in" and the text "Freight trains longer than the above limit values can only be used following prior consultation with, and the permission of, ProRail." is added.

9 Logistics Portal

Throughout the Network Statement 2017, the hyperlinks to the Transporters Portal are replaced with hyperlinks to the Logistics Portal.

10 Orbit

In Chapter 5.5.2.9 'Orbit':

- I. above the table is added "Orbit is at soonest in the fall of 2017 available for trains fitted with an Orbit-On Board Unit."
- II. the text of point 2 in the table of 'Facility' category is changed to "Application on the hardware in the train."
- III. the sentence "Orbit-OBU is acquired via the framework contract with ProRail." is removed from the table of the 'Terms of delivery' category
- IV. In the table the category 'User Conditions' is added. Followed by the text "Railway undertaking arranges train hardware."

ProRail B.V.
Utrecht, 4 April 2017