



DB Netz AG Network Statement 2016

valid from 14 April 2015

DB Netz AG

Headquarters

I.NMN

Version control

Date	Modification
12.12.2014	Amendment of Network Statement 2015 as at 12 December 2014 (Publication of the Network Statement 2016)
14.10.2015	Inclusion of detailed information in sections 1.9 ff and 4.2.5 ff due to commissioning of rail freight corridors Sandinavian-Mediterranean and North Sea-Baltic.
13.12.2015	Addition of connection to Port of Hamburg (Hohe Schaar) in section 3.3.2.5

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1 GENERAL INFORMATION

1.1 Introduction

As RIU, DB Netz AG is responsible for the provision, further development and operation of most of the German railway infrastructure. As a wholly owned subsidiary of Deutsche Bahn AG, the central task of DB Netz AG is to create the basis for safe, reliable rail operations with a substantially top quality railway infrastructure tailor-made to the needs of the RUs. It draws up timetables and sells train paths in the sense of Art. 2 (1) EIBV, service facilities and related services to customers at home and abroad.

1.2 Purpose

With the Network Statement, DB Netz AG duly publishes its terms and conditions governing access to and usage of its rail network pursuant to Article 4 of Germany's Railway Infrastructure Usage Regulations (EIBV). In the process, it is providing its customers with extensive information facilitating the provision of transport services on the rail network managed by DB Netz AG.

The Network Statement contains rules, time limits/deadlines, procedures, charging principles and terms and conditions of business governing usage of the rail network managed by DB Netz AG.

1.3 Legal basis

The Network Statement is based in particular on the following legislation/regulations:

- General Railway Law (AEG),
- Railway Infrastructure Usage Regulations (EIBV),
- Railway Construction and Operation Regulations (EBO),
- Railway Signalling Regulations (ESO),
- Ordinance regarding liability insurance for the railways (EBHaftPflV),
- Railway Safety Ordinance (ESiV),
- Trans-European Railway Interoperability Law (TEIV) and
- Technical Specifications for Interoperability (TSI).

More information is published on the internet at:

www.gesetze-im-internet.de

1.4 Legal framework of the Network Statement

1.4.1 Scope

The Network Statement regulates the rights and duties in the relationship between:

- APs pursuant to Article 14 (2) and (3) AEG, keepers of railway vehicles pursuant to Article 31 AEG including any involved RUs pursuant to Article 11 (1) EIBV
- and DB Netz AG

with regard to access to the rail infrastructure operated by DB Netz AG in the scope of the AEG pursuant to Article 14 AEG and respective use, including the corresponding General Terms and Conditions. Under rail infrastructure in the sense of sentence 1, the rail freight corridors in the scope of the AEG are also included (cf. Section 1.9 Network Statement). The provisions of this Network Statement relating to the AP apply accordingly to third-party companies entering into the rights and duties arising from the ENV pursuant to Article 11 (3) EIBV.

1.4.2 DB RegioNetz Infrastruktur GmbH

The Network Statement also covers the rail infrastructure operated by RNI as subsidiary of DB Netz AG. Any details of the infrastructure or contact persons at RNI not cited below are published on the internet at:

www.suedostbayernbahn.de

www.erzgebirgsbahn.de
www.oberweissbacher-bergbahn.de
www.kurhessenbahn.de
www.westfrankenbahn.de

1.4.3 German rail routes on Swiss territory

On account of the state treaties dated 1852 et seq. between the Grand Duchy of Baden and the Swiss Confederation, DB Netz AG operates service facilities on Swiss territory while heeding Swiss sovereignty rights. The Network Statement does not apply to service facilities or parts of the service facilities including the respective functionalities and any existing peripheral facilities of DB Netz AG on Swiss territory. The physical location of these service facilities and the legal principles applying to access to and usage of said facilities are published on the internet at:

www.dbnetze.com/schweiz

1.4.4 Liability

Despite the greatest of care, in view of the statutory publication deadlines and the large number of on-going changes, particularly in terms of information and details about infrastructure details, it is possible for there to be deviations between the contents of the Network Statement at the point in time of publication and the actual prevailing condition. DB Netz AG is therefore grateful for information about missing or deviating details.

The Network Statement contains links to external third-party websites where DB Netz AG has no influence on the contents. DB Netz AG cannot assume any warranty for the contents of such websites. The providers or operators of the linked websites are responsible for the content. The linked websites were reviewed for any possible legal infringements at the point in time of publication. No illegal contents were apparent at the point in time of publication. Without any concrete indications of legal infringements, DB Netz AG cannot be reasonably expected to pursue a constant review of the contents of the linked websites. Should DB Netz AG receive information about legal infringements, it will delete the corresponding links.

1.4.5 Complaints

The Sales contacts named in Section 1.8 of the Network Statement are responsible for dealing with any complaints related to the Network Statement. It is also possible to apply to the Federal Network Agency for a procedure pursuant to Article 14f (2) AEG.

1.5 Structure of the Network Statement

The structure of this Network Statement complies with the statutory requirements together with the layout recommended by RNE (cf. Section 1.9 Network Statement). The recommended layout and corresponding changes are published on the internet at:

www.rne.eu

The respective topics are therefore always also dealt with in the same point in the Network Statements of the European neighbouring RIUs of DB Netz AG.

1.6 Term of and amendments to the Network Statement

This Network Statement takes effect on 14 April 2015 subject to deviating provisions in the Network Statement or objections being raised by the Federal Network Agency. The Network Statement 2015 will then cease to apply to the extent that it has been changed by the current issue. This Network Statement has unlimited validity.

Chapters 5 and 6 of this Network Statement and Sections 4 to 7 GTCURI, **Annex 1.6 to the Network Statement**, apply to services that are used as from 13 December 2015, in conjunction with the List of Charges for train paths of DB Netz AG valid at that particular moment in time. Services used before 13 December 2015 will be charged on the basis of Sections 5 and 6 of the Network Statement 2015 and Sections 4-7 of the GTCURI of the

Network Statement 2015, published on 13 December 2013, and the List of Charges for train paths of DB Netz AG, published on 14 February 2014.

In accordance with Article 4 (2) 1 EIBV, the GTCURI are an integral part of this Network Statement enclosed as Annex 1.6 to the Network Statement.

1.7 Publication and opportunity to respond

The Network Statement, intended new issues or amendments pursuant to Article 4 (4) EIBV and any amendments hereto resulting from official or court decisions shall be published free of charge in German and English on the internet at:

www.dbnetze.com/snb

In the event of any discrepancies between the German and the English version of this Network Statement, the German version alone is authoritative.

The internet address is announced in the Federal Gazette.

1.8 Contacts at DB Netz AG

Individual customer support is provided by the company headquarters in Frankfurt am Main and the seven Regional Units.

Contact	Area
Regional sales	Customer assistance/support regarding timetabling questions, preparation of new transport services, network access to traffic facilities and infrastructure, compiling and dealing with infrastructure usage agreements and billing usage charges
Working timetable departments	Devising the working timetable/ad hoc services, special train path questions, special consignments, coordination of timetables and construction, train path applications for ad hoc services
Working timetable customer centre	Train path applications for the working timetable, acceptance of train path applications for the working timetable, draft working timetable, responses to the provisional draft working timetable, train path offers for the working timetable, framework agreement applications, framework agreement offers

Details of contacts at DB Netz AG are published on the internet at:

www.dbnetze.com/kontakte

1.8.1 Contacts of international RIUs

Information about the Network Statements and railway infrastructure of the European neighbouring RIUs and their contacts in OSS are published on the internet at:

Country	RIU	Contact
Denmark	Banedanmark (Rail Net Denmark)	www.bane.dk
Poland	PKP Polskie Linie Kolejowe S.A.	www.plk-sa.pl
Czech Republic	SŽDC, Správa železniční dopravní cesty, státní organizace	www.provoz.szdc.cz

Austria	ÖBB Infrastructure AG	www.oebb.at
Switzerland	Swiss Train Paths Ltd SBB Infrastructure	www.train-paths.ch www.sbb.ch
France	RFF Réseau Ferré de France	www.rff.fr
Luxembourg	ACF Administration des Chemins de Fer	www.railinfra.lu
Belgium	Infrabel, SA Under public law	www.railaccess.be
Netherlands	ProRail B.V.	www.prorail.nl

1.8.2 Other contacts

Other contacts and their details are as follows:

Name	Contact
Association of German Transport Undertakings (VDV)	www.vdv.de
Federal Railway Authority (EBA)	www.eisenbahnbundesamt.de
Federal Network Agency (BNetzA)	www.bundesnetzagentur.de
Regulatory authorities of the federal states	http://www.eba.bund.de/DE/HauptNa-vi/FahrzeugeBetrieb/EVU/Genemigungsverfahren/genemigungsverfahren_no.de.html

1.9 Rail freight corridors

The rail infrastructure of DB Netz AG makes up a component of the rail freight corridors to be established under Regulation (EU) No 913/2010 (supplemented by Annex II to Regulation (EU) No 1316/2013 and Implementing Decision (EU) 2015/1111):

- Rhine-Alpine Corridor:
Zeebrugge-Antwerp/Rotterdam-Duisburg-[Basel]-Milan-Genoa
Detailed information on the corridor is available at:
www.corridor-rhine-alpine.eu
- Scandinavian-Mediterranean Corridor:
Stockholm/[Oslo]/Trelleborg-Malmö-Copenhagen-Hamburg-Innsbruck-Verona-La Spezia/Livorno/Ancona/Taranto/Augusta/Palermo
Detailed information on the corridor is available at:
www.rfc-scan-med.eu
- North Sea-Baltic Corridor:
Wilhelmshaven/Bremerhaven/Hamburg/Amsterdam/Rotterdam/Antwerp-Aachen/Berlin-Warsaw-Terespol (Poland-Belarus border)/Kaunas/Falkenberg-Prag/Warschau-Katowice
Detailed information on the corridor is available at:
www.rfc-northsea-baltic.eu

1.9.1 Corridor One Stop Shop

A distinction is to be made between the One Stop Shop (OSS) referred to in Section 1.10.1 of the Network Statement and the corridor OSS. The track infrastructure operators participating in each rail freight corridor have set up additional corridor OSS functions on the rail freight corridors, which in accordance with Articles 13 and 14 of Regulation (EU) No 913/2010 are exclusively responsible for the sale of special cross-border train paths for freight transport on the rail freight corridor in question:

- Prearranged paths (PaPs) in a cross-border context in the working timetable

- Reserve capacities for ad hoc applications for international freight trains

The particular provisions for corridor OSS train path applications are described in Section 4.2.5 of the Network Statement.

1.9.2 Corridor OSS for the rail freight corridors

The corridor OSSs outlined here were established by the management boards for the rail freight corridors, which, in accordance with Annex II to Regulation (EU) No 1316/2013 "Connecting Europe (CEF)" include the rail infrastructure of DB Netz AG, and were also authorised by the RUs involved in the corridor to take a decision on the allocation of PaPs and reserve capacities and to submit the resulting international train path offers for the rail freight corridors in question. A contract is then concluded between the participating RUs and the RIU.

The contact addresses of the corridor OSS are as follows:

For the Rhine-Alpine Corridor:

OSS Corridor 1

DB Netz AG, Mainzer Landstraße 201-203, 60326 Frankfurt am Main, Germany

Tel.: +49 (0) 69 265-26771

E-mail: oss@corridor-rhine-alpine.eu

For the Scandinavian-Mediterranean Corridor:

OSS Corridor 3

DB Netz AG; Mainzer Landstraße 201-203, 60326 Frankfurt am Main, Germany

Tel.: +49 (0) 69 265-30543

E-mail: mihaela.vetter@deutschebahn.com

For the North Sea-Baltic Corridor:

OSS Corridor 8

DB Netz AG; Mainzer Landstraße 201-203, 60326 Frankfurt a. Main, Germany

Tel.: +49 (0) 69 265-26778

E-mail: coss@rfc8.eu

1.9.3 Information on the conditions of use of the Rail Freight Corridors

As stipulated in Article 18 of Regulation (EU) No 913/2010, the rail freight corridors have compiled and published information on the conditions of use. The applicable Corridor Information Documents (CID) are available on the internet in English:

- For the Rhine-Alpine Corridor:
www.corridor-rhine-alpine.eu
- For the Scandinavian-Mediterranean Corridor:
www.scanmedfreight.eu
- For the North Sea-Baltic Corridor:
www.rfc8.eu/c-oss/terms-and-conditions/cid

Insofar as the CID contains excerpts from this Network Statement or otherwise makes reference to this Network Statement, the provisions in this Network Statement have priority over the excerpts and references.

The CID is not part of this Network Statement.

1.10 RNE and international cooperation between DB Netz AG and other RIUs

In order to promote and facilitate international transport on the European rail infrastructure, the European RIUs have joined forces in RNE, an association of RIUs in Europe with headquarters in Vienna.

Information about RNE is published on the internet at:

www.rne.eu

1.10.1 One Stop Shop

DB Netz AG is a member of RNE. The RIUs involved in RNE have set up a network of national One Stop Shops. These OSSs are linked as a network and provide information about cross-border European services. The AP receives information about network access in the country of the respective OSS and network access to foreign rail networks. The respective OSS accepts cross-border train path applications; accordingly, Section 4.2.4 of the Network Statement applies to DB Netz AG.

More information about cross-border train path applications is published on the internet at:

www.dbnetze.com/oss

Additional information about cross-border services is published on the internet in the "DB Netz AG Guideline for Cross-Border Services" at:

www.dbnetze.com/internationaleverkehre

This guideline is not part of the Network Statement.

For the Corridor OSS of the rail freight corridors, see Section 1.9.1 of the Network Statement.

1.10.2 Other RNE services

RNE provides the AP with various other services to facilitate the planning of international train paths:

- **PCS (formerly Pathfinder):**
PCS is an internet tool that the AP can use for international train path applications. This tool simplifies the interfaces and the coordination for planning cross-border train paths, and contains the procedure for preparation of the pending working timetables.

Details of the PCS are published on the internet by RNE at:

www.rne.eu/index.php/pcs.html

- **CIS (formerly EICIS):**
The internet tool CIS can be used to ascertain the usage charge for international train paths. CIS makes it possible to estimate the costs for using international train paths based on the charges published by the participating RIUs.

Details of the CIS are published on the internet by RNE at:

www.rne.eu/index.php/cis.html

- **TIS (formerly Europtirails):**
TIS is used to track train movements of international passenger or freight trains in real time. The tool is currently being tested on selected corridors.

Details of the TIS are published on the internet by RNE at:

www.rne.eu/index.php/tis.html

1.11 List of abbreviations

A list of the abbreviations used in this Network Statement is enclosed in **Annex 1.11 to the Network Statement**.

2 CONDITIONS OF ACCESS

2.1 Introduction

Chapter 2 of this Network Statement regulates the conditions governing access to the railway infrastructure managed by DB Netz AG.

2.2 General conditions of access to the railway infrastructure

2.2.1 Duties to be heeded through to conclusion of an individual usage agreement

The submission of an offer to conclude an individual usage agreement (ENV) by DB Netz AG pursuant to the legal provisions, the GTCURI (Annex 1.6 of the Network Statement) and the Network Statement, presumes that the AP has fulfilled the following duties:

- a) The AP according to Article 14 (2) 1 AEG must have concluded a Basic Agreement IU for services during the 2015 working timetable period according to the master **Annex 2.2.1.A (RU) to the Network Statement** or for services during the 2016 working timetable period according to the master **Annex 2.2.1.B (RU) to the Network Statement** with DB Netz AG at the latest

- by the date of the provisional draft working timetable according to Section 4.2.1.3 of the Network Statement for train path applications for the working timetable
- by the application date for applications for ad hoc services.

The AP according to Article 14 (2) 2 AEG must have concluded a Basic Agreement IU for services during the 2015 working timetable period according to the master **Annex 2.2.1.A (Forwarding Agent) to the Network Statement** or for services during the 2016 working timetable period according to the master **Annex 2.2.1.B. (Forwarding Agent) to the Network Statement** with DB Netz AG at the latest

- by the date of the provisional draft working timetable according to Section 4.2.1.3 of the Network Statement for train path applications for the working timetable
- by the application date for applications for ad hoc services.

The AP according to Article 14 (2) 3 or 4 AEG must have concluded a Basic Agreement IU for services during the 2015 working timetable period according to the master **Annex 2.2.1.A. (Responsible Body) to the Network Statement** or for services during the 2016 working timetable period according to the master **Annex 2.2.1.B. (Responsible Body) to the Network Statement** with DB Netz AG at the latest

- by the date of the provisional draft working timetable according to Section 4.2.1.3 of the Network Statement for train path applications for the working timetable
- by the application date for applications for ad hoc services.

The above provisions do not apply if the AP already has a valid Basic Agreement IU with DB Netz AG for the relevant working timetable period during which the use of train paths is intended.

- b) The AP must have submitted an application for an offer (application) pursuant to the provisions of the Network Statement.
- c) In cases of Article 14 (2) 2 AEG, the AP must inform DB Netz AG in the application of the RU. In cases of Article 14 (2) 3 to 4 AEG, the AP must inform DB Netz AG by the point in time stated in Article 8 (1) Section 6 EIBV (point in time of the final working timetable) whether, by which point in time and in which scope RUs are to be included and to whom the offer should be addressed.
- d) At the point in time of application, the AP or the involved RU must hold all necessary licences and certificates pursuant to Section 2.2.2 Network Statement.
- e) All statements by the AP or the involved RU related to conclusion of the ENV must be made in German.

- f) For details on applications for train paths on Rail Freight Corridor 1, see Section 4.2.5 of the Network Statement.

2.2.2 Licences and certificates

- a) At the point in time of application and use of the allocated train paths, the AP must hold all necessary licences, certificates (in particular safety certificates where required) and permits for implementing transport services on the railway infrastructure referred to in the application.
- b) In cases of Article 14 (1) 2 to 4 AEG where only the involved RU will use the railway infrastructure, the duty pursuant to a) above refers solely to the involved RU at the point in time of naming the involved RU.
- c) In the case of third-party companies pursuant to Article 11 (3) EIBV, this applies accordingly at the point in time of declaring the request.
- d) In the event of any changes to the necessary licences, certificates and permits pursuant to a) above that have taken place with the AP, involved RU or third-party companies pursuant to Article 11 (3) EIBV, the AP, involved RU or third-party company is obliged to inform DB Netz AG in writing straightaway.
- e) The following authorities are responsible for licences:
- the EBA for German federal railways:
www.eisenbahnbundesamt.de
 - the regulatory authorities of the federal states in the case of non-federally owned railways:
http://www.eba.bund.de/DE/HauptNavi/FahrzeugeBetrieb/EVU/Genehmigungsverfahren/genehmigungsverfahren_node.html

2.2.3 Liability insurance

Before starting services, the AP or involved RU shall demonstrate to DB Netz AG that it has taken out third-party insurance in compliance with the requirements of the regulations governing third-party liability insurance on the railways in the version currently in force and covering all claims that can arise for whatever legal reason. It shall notify DB Netz AG in writing of any changes to the existing policy without delay.

2.3 Types of agreement

2.3.1 Framework agreements

DB Netz AG offers the possibility of concluding framework agreements for the long-term usage of infrastructure capacities pursuant to Article 14a AEG and Article 13 EIBV.

Corresponding provisions are contained in Section 4.4 Network Statement.

2.3.2 Individual infrastructure usage agreements

The ENV grants the AP or the involved RU the right to use the train path in the sense of Art. 2 (1) EIBV in the contractually agreed scope.

Corresponding provisions are contained in Sections 1.6 Network Statement and 3 GTCURI (Annex 1.6 Network Statement).

2.4 Regulations and additional provisions

In addition to the pertinent legislation and ordinances, usage of the railway infrastructure is also governed by the regulations impacting on network access and the operating regulations of DB Netz AG.

2.4.1 Definition and duties

The **regulations impacting on network access** contain all contents impacting on network access relevant for the AP or the involved RU as prerequisite for access. These are to be distinguished from the **operating regulations**. The operating regulations contain regulations for handling railway operations on the infrastructure of DB Netz AG.

The AP or the involved RU undertakes to apply and heed the regulations impacting on network access and the operating regulations. Applying and heeding the regulations impacting on network access and the operating regulations by the AP or the involved RU warrants the safety of operations pursuant to Article 4 (1) AEG.

2.4.2 Regulations impacting on network access

The regulations impacting on network access are an integral part of this Network Statement enclosed as **Annex 2.4.2 Network Statement** and are published free of charge on the internet at:

www.dbnetze.com/snb2016anlage2-4-2

The regulations impacting on network access are always updated once a year as part of the Network Statement process. Safety-relevant regulations are updated constantly insofar as this should be necessary e.g. on account of obligations pursuant to railway law, particularly decisions taken by the EBA as regulatory authority.

2.4.3 Operating regulations

The operating regulations are an integral part of this Network Statement enclosed as **Annex 2.4.3 Network Statement** and are published free of charge on the internet at:

www.dbnetze.com/snb2016anlage2-4-3

The operating regulations are always updated once a year. More regular updates may be undertaken in the case of the correction of errors resulting from DB Netz AG's responsibility for safety, legal judgements, definitive or immediately enforceable decisions, binding requirements from laws or regulatory provisions, or measures for avoiding impending decisions.

A current overview of the planned changes to the operating regulations is available online:

www.dbnetze.com/aenderungsvorschau

2.4.4 Possibilities for purchasing printed copies of the regulations impacting on network access and the operating regulations

Printed copies of the regulations impacting on network access and the operating regulations are available from:

DB Kommunikationstechnik GmbH
Medien- und Kommunikationsdienste
- Logistikcenter - Kundenservice
Kriegsstraße 136
76133 Karlsruhe

Tel.: +49 (0) 721 938 5965
Fax: +49 (0) 721 938 5509
E-mail: dzd-bestellservice@deutschebahn.com

Information about current purchase prices for printed copies is available from DB Kommunikationstechnik GmbH. This is also the contact address for being included in the fee-paying regulations distribution list. Inclusion in the distribution list ensures that the AP or the involved RU automatically receives any amendments to and notices regarding the regulations as these appear.

2.5 Special consignments

Transports that make special demands of the service facilities because of their outer dimensions, weight or nature (e.g. vehicle contour) or which can only be carried under special technical or operational conditions are deemed to be special consignments (aT).

According to the provisions of Guideline 810.05 et seq. (Annex 2.4.2 Network Statement), DB Netz AG has to be asked to carry out a "feasibility study aT" for train path applications for special consignments. The feasibility study stipulates the respective transport-specific carriage conditions. The conditions stipulated as a result of the feasibility study aT must be heeded in usage of the infrastructure managed by DB Netz AG.

The feasibility study aT is produced within 14 days (or 2 months for special transports) after receiving the request. The request form for the feasibility study is published on the internet at:

www.dbnetze.com/formulare

Compilation of a feasibility study aT is an additional service of DB Netz AG pursuant to Section 5.3.4 Network Statement.

Provisions regarding train path applications for special consignments and the costs for compiling a feasibility study aT are contained in Sections 4.7.1 and 6.3.4 Network Statement.

2.6 Transportation of hazardous goods

The transportation of hazardous goods is governed by the Transport of Hazardous Goods Act and the corresponding regulations such as the GGVSEB (including the RID).

More details about the transportation of hazardous goods are provided in Sections 3.4.3 and 4.7.2 Network Statement.

2.7 Requirements for the rolling stock

The AP or the involved RU must ensure that the deployed rolling stock will operate safely and without causing any faults or disruptions on the infrastructure managed by DB Netz AG.

2.7.1 Homologation

As a rule, deployed rolling stock must have undergone homologation for use in the service facilities of DB Netz AG. That means that the AP or the involved RU must hold acceptance pursuant to EBO or authorisation for use pursuant to the TEIV (cf. Sections 2.2.2 and 2.2.3 Network Statement).

2.7.2 Special cases

2.7.2.1 Transfer journeys

Conditions for transfer journeys also in cases of accidents are based on the stipulations of the EBA.

The special provisions of DB Netz AG are stipulated in Guideline 810.0400 "Trial runs, calibration runs, transfer journeys" in Annex 2.4.2 Network Statement.

2.7.2.2 Trials

Special permission or approval must be obtained from the regulatory authority and from DB Netz AG prior to any trials of non-homologated vehicles. Please refer to the official requirements www.eisenbahnbundesamt.de and to the infrastructure-relevant requirements in Guideline 810.0400 "Trial runs, calibration runs, transfer journeys" in Annex 2.4.2 Network Statement.

2.7.3 Feasibility study aT

The above Section 2.7.2 Network Statement is governed by the provisions of Section 2.5 Network Statement.

2.7.4 Non-fulfilment of rolling stock requirements

- a) The AP or the involved RU shall be exclusively responsible for carrying out inspections and the maintenance of its rolling stock in compliance with the EBO/TEIV. Outside vehicles registered in the fleet of the AP or the involved RU, or any vehicles taken over from other APs or the involved RUs under special arrangements shall be deemed to be the vehicles of the AP or the involved RU. Should DB Netz AG nonetheless be called to account for inspections or maintenance work incompletely or inexpertly carried out or not carried out at all, Section 8 GTCURI (Annex 1.6 Network Statement) shall apply accordingly.
- b) Should any violation by the AP or the involved RU of its obligations under the regulations detailed in Section 2.4 Network Statement or the provisions of this paragraph necessitate the withdrawal of vehicles operated by the AP or the involved RU, then the AP or the involved RU shall remove these vehicles from the rake forthwith at its own expense. Otherwise, DB Netz AG shall itself remove the vehicle(s) at the expense of the AP or the involved RU or else arrange for it/them to be removed at the expense of the AP or the involved RU. This is also deemed to apply in respect of the subsequent stabling of vehicles. Section 3.1.2 GTCURI (Annex 1.6 Network Statement) applies accordingly.

2.8 Requirements for the staff of the AP or the involved RU

Details of the requirements for the staff of the AP or the involved RU are contained in Sections 3.1.2, 3.2, 3.4 and 3.5 GTCURI (Annex 1.6 Network Statement).

2.9 Special conditions of access

Special conditions of access are always contained in the regulations impacting on network access (cf. Section 2.4.2 Network Statement). Regulations for handling railway operations on the infrastructure managed by DB Netz AG are always contained in the operating regulations (cf. Section 2.4.3 Network Statement). Furthermore, the following provisions have yet to be included in the regulations and are published with binding effect as follows:

2.9.1 North-South link in Berlin

- Diesel traction may only be deployed in exceptions and emergencies (towing an incapacitated electric traction unit, towing a train affected by catenary failure, and repair or maintenance works that can only be performed with the catenary switched off
- No freight traffic
- Closed-circuit toilet systems
- Eddy-current brakes must not be used.

2.9.2 HSL Nuremberg-Ingolstadt

- Vehicles must be structurally designed to withstand the impact of other vehicles passing at up to 300 km/h. Special account is to be taken of passing events in tunnels
- No freight traffic
- Closed-circuit toilet systems
- DIN 5510-1 Fire protection level 2 or EBA Fire safety regulations E3 or DIN/EN 45545-1 Operation class 3 or TSI SRT "Safety in railway tunnels" fire protection category B.

2.9.3 HSL Hanover - Würzburg and Mannheim - Stuttgart

- The gross trailing weight of intermodal trains on the Hanover-Würzburg HSL and on the Mannheim-Stuttgart HSL between Rollberg junction and Stuttgart-Zuffenhausen is restricted to max. 1,600 t
- Vehicles including loads must be structurally designed to withstand the impact of other vehicles passing at up to 250 km/h. Special account is to be taken of passing events in tunnels
- Closed-circuit toilet systems
- Only train rakes specifically tested for cross-wind compatibility are permitted to carry passengers on the Hanover-Würzburg HSL
- Only the following classes/formations of trains may carry passengers on the Hanover-Würzburg HSL without undergoing special testing for cross-wind compatibility:
 - Classes BR 401, 402, 403/406, 407, 409 (Thalys), 411, 415, 605
 - Loco-hauled trains containing vehicles permitted to run at less than 160 km/h (also with driving trailer at the front)
 - Other loco-hauled trains with a traction unit at the front.

2.9.4 Airport link Berlin-Brandenburg International (BFBI) (Selchow junction via BFBI station to the junction in the station Schönefeld Süd)

- Diesel traction units may only be deployed in exceptions and emergencies (towing an incapacitated electric traction unit, towing a train affected by catenary failure, and repair or maintenance works that can only be performed with the catenary switched off)
- DIN 5510-1 Fire protection level 3 or EBA Fire safety regulations E2 or DIN/EN 45545-1 Operation class 2 or TSI SRT "Safety in railway tunnels" fire protection category A
- No freight traffic
- Closed-circuit toilet systems
- Eddy-current brakes must not be used.

2.9.5 Leipziger City-Tunnel

- Diesel traction units may only be deployed in exceptions and emergencies (towing an incapacitated electric traction unit, towing a train affected by catenary failure, and repair or maintenance works that can only be performed with the catenary switched off)
- DIN 5510-1 Fire protection level 3 or EBA Fire safety regulations E2 or DIN/EN 45545-1 Operation class 2 or TSI SRT "Safety in railway tunnels" fire protection category A
- No freight traffic
- Closed-circuit toilet systems.

2.9.6 Katzenberg tunnel (section Schliengen-Haltingen)

- For passenger trains DIN 5510-1 Fire protection level 2 or EBA Fire safety regulations E3 or DIN/EN 45545-1 Operation class 3 or TSI SRT "Safety in railway tunnels" fire protection category B, or comparable values for existing rolling stock.

2.9.7 Dresden Airport tunnel (section Grenzstraße Dresden – Dresden Airport)

- Solely vehicles that satisfy fire protection level 3 according to DIN 5510-1 may be used.

2.10 Tonnage rating for trains

The possible tonnage ratings for trains on DB Netz AG's routes can be found in Guideline 491.920x (cf. Annex 2.4.2 Network Statement).

If a train is intended to transport a load that exceeds the values stipulated there, an application for an individual tonnage rating must be sent to Sales at DB Netz AG. In the calculation of this train and path-specific individual tonnage rating, it is checked to see whether and under what conditions a higher tonnage rating may be possible. These conditions are to be observed during the use of the rail infrastructure managed by DB Netz AG.

An individual tonnage rating is provided within 10 working days of being applied for. If, in order to calculate the individual tonnage rating, it is necessary to enter new traction unit models or set up additional models (e.g. in the case of multiple traction units of different classes), this period is extended by a further 10 working days from the time all data required for the calculation has been received by DB Netz AG.

The request form for individual tonnage rating calculation is published on the internet at:

www.dbnetze.com/formulare

Regulations governing train path applications for trains with an individual tonnage rating are contained in Section 4.7.3 Network Statement.

3 INFRASTRUCTURE

3.1 Introduction

Chapter 3 of the Network Statement describes the infrastructure of DB Netz AG and provides detailed information.

3.2 Characteristic features of the rail network

3.2.1 Borders

The rail network operated by DB Netz AG is confined to the territory of the Federal Republic of Germany (cf. Section 1.4 Network Statement).

3.2.2 Adjoining rail networks

The rail network of DB Netz AG is connected to the rail networks of the European neighbouring RIUs, the RIUs within Germany, port railways and owners of private sidings.

More information about the additional provisions for cross-border railway lines, for operating international services and the contact details for the neighbouring RIUs is contained in the operating regulations (cf. Section 2.4.3 Network Statement) and in Sections 1.9.1 and 1.8.1 Network Statement.

3.3 Network description

DB Netz AG's rail network is illustrated in cartographic representations based on defined infrastructure features. In the ISR, DB Netz AG provides detailed information about the route characteristics named in Sections 3.3.1 to 3.3.3 Network Statement. The ISR provides information about the characteristics of the affected routes and lines for all subsystems with permanent facilities pursuant to the TSI.

The ISR is available at:

www.dbnetze.com/isr

Direct access to the interactive map of the ISR is available at:

www.dbnetze.com/isr-karte

More information about the ISR is published under "Principles of the ISR" on the internet at:

www.dbnetze.com/isr-grundsuetze

The "Principles of the ISR" are not part of the Network Statement.

The technical prerequisites for using the ISR are published on the internet at:

www.dbnetze.com/isr-viewer

More information is available from the Regional Units:

www.dbnetze.com/kontakte

3.3.1 Geographic data

3.3.1.1 Number of tracks

The ISR features the single- and double-track lines under the topic "Number of tracks".

3.3.1.2 Gauge

The normal gauge of the lines operated by DB Netz AG is 1435 mm.

3.3.1.3 Routes and route sections

The route numbers, direction codes and distances are featured as factual details in the interactive map of the ISR for each particular route section.

3.3.1.4 Operating centres

The relevant operating centres are featured in the interactive map of the ISR.

Track numbers, maximum effective platform lengths and platform heights are shown in the interactive map of the ISR in the detail view for the operating centres.

3.3.1.5 Tunnels, bridges and level crossings

Tunnels, bridges and level crossings are featured as attributes in the interactive map of the ISR.

The following details can be called up in the factual detail masks:

- For tunnels: name, location and length,
- For bridges: name, location and length,
- For level crossings: name, location and entities involved in the level crossings.

3.3.1.6 Operational procedure

Operational procedures to be used on specific lines for running trains, marshalling moves etc. (e.g. operational procedures according to Guideline 408, train controlling according to Guideline 436, 438 or FV-NE, signal-assisted train controlling according to Guideline 437) are featured in the ISR under the heading "Operational procedure".

3.3.1.7 Emergency brake override (NBÜ)

Routes on which there is an obligation to carry an emergency brake override device are featured in the ISR under the heading "Emergency brake overriding".

3.3.2 Capacitive data

3.3.2.1 Clearance/loading gauges

The clearance gauges are featured in the ISR under the heading "clearance gauges" and the loading gauges under "Intermodal coding".

3.3.2.2 Route classes

The lines managed by DB Netz AG are divided into the route classes A - D4 pursuant to DIN EN 15528. National extensions also apply. The route classes are featured in the ISR under the heading "Route classes".

More information in this context is available at:

www.dbnetze.com/isr-grundsuetze

3.3.2.3 Line gradients

The line gradients are featured in the ISR under the heading "Line gradients".

When operating on lines with a gradient in excess of 40 per thousand, compliance is required with Guideline 465 "Operation on steep lines; special braking regulations".

3.3.2.4 Speeds

The maximum line speeds are featured in the ISR under the heading "Speed".

3.3.2.5 Longer freight trains

The following tables show the exact line sections on the route from Padborg to Maschen marshalling yard / Hohe Schaar in the Port of Hamburg where trains measuring up to 835 m in length (overall train length) can operate.

Normal route for trains up to 835 m*

Route	Line section	from km	to km
1280	Maschen marshalling yard - Hamburg-Rotenburgsort	21.741	39.990
1234	Hamburg-Rotenburgsort - Hamburg-Eidelstedt	21.160	0.528
1232	Hamburg-Eidelstedt Stw En - Hamburg-Eidelstedt Stw Egs	6.855	10.485
1220	Hamburg-Eidelstedt - Neumünster	10.528	74.261
1040	Neumünster - Flensburg Weiche	74.261	170.958
1000	Flensburg Weiche - DB border (Padborg)	170.958	179.784

Connection to Port of Hamburg (Hohe Schaar)

Route	Line section	from km	to km
1253	Süderelbbrücke junction - DB border (HPA)	0.524	1.0
1254	DB border (HPA) - Hamburg Wilhelmsburg	1.0	0.534

Diversion routes for trains up to 835 m*

Route	Line section	from km	to km
1255	Maschen marshalling yard - Hamburg-Wilhelmsburg	0.0	10.312
Points connection	Hamburg-Wilhelmsburg - Wilhelmsburg junction	Points 4266 and 4267	
Points connection	Hamburg-Wilhelmsburg - Wilhelmsburg junction	Points 4244 and 4265	
2200	Hamburg-Harburg - Hamburg central station	341.869	355.700
1292	Hamburg Ericus - Hamburg Norderelbbrücke	353.894	352.473
1250	Oberhafen junction - Hamburg central station	352.500	355.564
6100	Hamburg central station - Hamburg-Rainweg	287.130	291.552
1232	Hamburg-Rainweg - Hamburg-Eidelstedt	1.481	10.485
1220	Hamburg-Langenefelde - Hamburg-Eidelstedt	4.470	10.528

In addition to the regulations, the following operational requirements must be heeded for operations with trains up to 835 m in length on the route DB border (Padborg) - Maschen marshalling yard Hohe Schaar:

- For trains with an overall length exceeding 740 m, no more than 82 wagons (plus up to two traction units) can be placed in the train.
- Guideline 483.0113 - Operating train control systems
For trains with an overall length exceeding 790 m, 790 m must always be entered as ZL setting and the LZB vehicle device switched off with the LZB disabling switch. In addition, the RU must ensure that a control measure is in place to

* Train formation and train splitting of longer freight trains on this route takes place only in Maschen marshalling yard.

ensure that the LZB vehicle device is activated before a journey commences from the Maschen train formation yard and Hohe Schaar.

- For train rakes exceeding 740 m in length, DB Netz AG Sales is required to calculate the individual tonnage rating in the sense of Section 2.10 of the Network Statement.
- For trains with an overall length exceeding 740 m, no heavy wagons may be placed in the train.
- Trains with an overall length exceeding 740 m may not be planned for propulsion on the route Padborg – Maschen.

Further information such as additional special aspects to be considered compared to operation with 740 m trains with respect to ordering, preparation and running is published on the internet at:

www.dbnetze.com/laengeregueterzuege

3.3.2.6 Energy supply

The electrified lines of DB Netz AG are equipped with AC 15 kV 16.7 Hz, with the exception of the rail networks of the DC urban rapid transit (S-Bahn) railways in Berlin (DC 750 V) and Hamburg (DC 1200 V). Other special aspects of cross-border railway lines are featured in the ISR.

The ISR indicates whether a line is equipped with catenary or conductor rails under the heading "Traction type".

The type of power supply system is featured in the ISR under "Maximum traction current (Pz)" for passenger trains and "Maximum traction current (Gz)" for freight trains.

3.3.2.7 Type of traffic

The type of traffic on a line (passenger trains, freight trains or mixed traffic passenger/freight trains) is featured in the ISR under the heading "Type of traffic".

3.3.2.8 Tilting body technology

The lines equipped for tilting body technology are featured in the ISR under the heading "Tilting body technology".

3.3.2.9 Eddy current brake

Lines on which an eddy current brake may be used as a service brake or rapid acting brake are featured in the ISR under the heading "Eddy current brake".

3.3.2.10 Construction sites

Information on construction sites (cf. Section 3.5.2 Network Statement) is published on the internet at:

www.dbnetze.com/baustellen

3.3.2.11 Line operating hours

Information on the line operating hours (cf. Section 3.5.5 Network Statement) is featured as factual data for the operating centres in the ISR.

3.3.2.12 Line capacity tied up by framework agreements

Line capacity tied up by framework agreements (cf. Section 4.4 Network Statement) is featured in the ISR under the heading "Capacity tied up by framework agreements".

3.3.3 Traffic control and communication systems

3.3.3.1 Train control, train protection and signalling

The type of train control, train protection and signalling systems including construction types are featured in the ISR under the headings "PZB", "LZB" and "ERTMS/ETCS".

More information on ERTMS/ETCS is available at:

www.dbnetze.com/etcs

The terms and conditions of use regarding ETCS are enclosed as **Annex 3.3.1** to this Network Statement.

3.3.3.2 Communication systems

The type of communication system is featured in the ISR under the heading "Communication systems".

More information on ERTMS/GSM-R is published on the internet at:

www.dbnetze.com/gsm-r

The GSM-R GTCT of DB Netz AG are part of the Network Statement and enclosed as **Annex 3.3.2**.

3.4 Operational restrictions

In individual cases, specific local circumstances, statutory legislation or structural specifics put limits on traffic usage of rail infrastructure. These are taken into account in train path allocation. Where operational restrictions may arise from overload on the rail network, the provisions of Section 4.3 Network Statement apply.

Traffic restrictions may apply in the following cases:

- Special infrastructure
- Ecological restrictions
- Hazardous goods
- Tunnel restrictions
- Bridge restrictions
- Steam locomotives.

3.4.1 Special infrastructure

Certain lines may be classified as "Special infrastructure" pursuant to Article 19 EIBV for use by specified types of train service.

In the event of no agreement being reached in the course of a coordination procedure for allocating train paths to incompatible simultaneously submitted applications pursuant to Article 9 Abs. 3 EIBV, priority is to be given to the types of train service classified in accordance with Article 19 EIBV, notwithstanding Article 9 (4) EIBV and subject to Article 13 EIBV, for the lines listed below. Notwithstanding the allocation applied for, train paths for lower-priority services may be offered on the same line as long as track capacity is available, or else on alternative lines.

Article 19 EIBV classifies the following line sections as "Special infrastructure":

High-speed line Hanover – Fulda – Würzburg

Line sections Hanover – Göttingen – Fulda – Würzburg

- Priority for long-distance passenger trains between 05:30 h and 23:00 h
- Priority for freight trains between 23:00 h and 05:30 h

Alternative route:

- Hanover - Kreiensen - Göttingen - Eichenberg - Bebra - Fulda - Flieden - Gemünden (Main) - Würzburg

High-speed line Mannheim – Stuttgart

Line sections Mannheim – Saalbach junction – Vaihingen (Enz) – Stuttgart

- Priority for long-distance passenger trains between 04:30 h and 23:50 h

- Priority for freight trains between 23:50 h and 04:30 h

Alternative route:

- Mannheim - Graben-Neudorf - Bruchsal - Bretten - Mühlacker - Vaihingen (Enz)- Kornwestheim - Stuttgart

High-speed line Cologne – Frankfurt

Line sections Steinstraße junction - Limburg Süd - Frankfurt a. M. airport station

- Priority for long-distance passenger trains

Alternative route:

- Cologne - Koblenz - Mainz - Frankfurt airport station- Frankfurt (left of the Rhine)
- Cologne - Troisdorf - Oberlahnstein - Wiesbaden - Mainz - Frankfurt (apart from freight train priority period)
- (Cologne -) Ruhr - Siegen - Dillenburg - Friedberg - Frankfurt/Hanau

Line Gremberg – Troisdorf – Oberlahnstein – Wiesbaden

Line sections Troisdorf - Neuwied - Oberlahnstein - Wiesbaden East

- Priority for freight trains between 23:00 h and 05:00 h

Alternative route:

- Cologne - Koblenz - Mainz - Frankfurt airport station- Frankfurt (left of the Rhine)

High-speed line between Nuremberg and Ingolstadt

Line section Nuremberg junction - Reichswald - Ingolstadt North

- Priority for long-distance passenger trains

Alternative route:

- Nürnberg - Treuchtlingen - Ingolstadt

Line Munich - Augsburg

Line section Olching - Augsburg-Hochzoll (line 5503)

- Priority for long-distance passenger trains between 05:00 h and 24:00 h

Alternative route:

- Olching - Augsburg (line 5581)

High-speed line Leipzig – Erfurt

Line section Gröbers - Erfurt main station

- Priority for long-distance passenger trains

Alternative route:

- (Leipzig main station -) Leipzig-Leutzsch - Großkorbetha - Naumburg - Erfurt

3.4.2 Ecological restrictions

Restrictions on operational use of the rail infrastructure can also result from statutory ecological provisions (e.g. water and nature conservation).

More information is available from the Regional Units at:

www.dbnetze.com/kontakte

3.4.3 Hazardous goods

In addition to the directly applicable statutory provisions referring directly to hazardous goods, additional traffic restrictions apply in individual cases.

These may include:

- Restricted stabling times for hazardous goods trains
- Ban on two trains meeting
- Prohibited routes
- Diversions around conurbation areas
- Avoiding stays in passenger stations, changes of traction unit, shunting movements.

Further information is available from our contacts in the Regional Units:

www.dbnetze.com/kontakte

3.4.4 Tunnel restrictions

Tunnel restrictions may arise both from a tunnel's structural parameters, and as a consequence of prevailing conditions:

- Only approved for certain types of vehicle or
- Ban on passenger and freight trains meeting in the tunnel.

Tunnel restrictions also result from the EBA's guidelines on "Fire and disaster protection requirements for the construction and operation of railway tunnels".

Further information is available from our contacts in the Regional Units:

www.dbnetze.com/kontakte

3.4.5 Bridge restrictions

Restrictions in bridge usage apply in particular where shipping and railway lines cross and the bridge clearance is inadequate for certain types of shipping, so that the railway bridges are opened for shipping traffic at certain times. The bridges cannot be crossed by trains during these periods.

Existing operational restrictions on bridges in the network managed by DB Netz AG are indicated on the internet:

www.dbnetze.com/brueckenrestriktionen

3.4.6 Steam locomotives

Operating restrictions for steam locomotives on the grounds of preventive fire protection and emergency management are named as part of the regulations impacting on network access in Guideline 123.0117 and Appendix 123.0117A01.

More extensive "general" restrictions may apply to specified sections of line and stations for the purpose of meeting legal precepts and ensuring the functioning of safety-relevant facilities. More detailed information on restrictions applying to steam locomotives is available from our contacts in the Regional Units at:

www.dbnetze.com/kontakte

3.5 Infrastructure availability

3.5.1 Introduction

Changes to the infrastructure in the scope of this Network Statement are generally only made at the change of timetable and taking due account of the concerns of the AP or the involved RU. DB Netz AG will only change the scope of performance agreed for the respective working timetable period during this time as stipulated in the provisions of Section 3.5.2 Network Statement for measures that were not foreseeable on conclusion of the contract, and as long as this will not impair exercising the usage rights of the AP or the involved RU more than inevitable in the circumstances.

3.5.2 Necessary measures to safeguard, maintain and extend the infrastructure

3.5.2.1 Engineering work during the term of the individual ENV

During the term of the individual ENV DB Netz AG is entitled to adopt urgent measures to secure, maintain and extend the infrastructure. The resulting change in the scope of performance is to be tolerated by the AP or the involved RU if the measures were not objectively foreseeable on concluding the agreement, appropriate account is taken of the concerns of the AP or the involved RU in implementing the work and corresponding execution does not encroach upon the interests of the AP or the involved RU more than is inevitable under the circumstances.

As regards the levying of train path charges for work-related diversions during the term of an individual usage agreement (ENV), the provisions in Section 6.2.5.8 of the Network Statement apply.

3.5.2.2 Special equipment and service requests of the AP

The design, extent, duration and financing of any special equipment and services requested by the AP over and above the existing quality of infrastructure must be agreed separately with DB Netz AG.

3.5.3 Regular infrastructure maintenance, engineering work

Engineering and maintenance work is permitted under the following conditions.

3.5.3.1 Work-related restrictions in the framework of working timetable compilation

DB Netz AG is entitled to restrict infrastructure capacity in the course of compiling the working timetable for engineering work with a considerable impact on rail traffic over a longer period of time. This may take the form either of factoring in restricted capacity when designing train paths for the affected sections, or incorporating engineering work allowances into the timetable. The AP or the involved RU shall be notified of any respective works according to the provisions stated in Section 3.5.3.2 Network Statement. DB Netz AG will endeavour to draw up mutually acceptable alternative train paths with the AP or the involved RU during the train path consultation process and within the time limit stipulated in Section 4.2.1.3 Network Statement.

3.5.3.2 Communication and coordination of engineering work

The execution of engineering work is to be coordinated with the AP or the involved RU within the framework of the regulations applicable to the communication and consultation of engineering work (Guideline 402.0305) in compliance with the deadlines stipulated therein. If the consultation process does not produce mutually acceptable results, DB Netz AG shall decide on the course to take, having due regard to the concerns of the AP or the involved RU within the bounds of what is reasonable. The APs or the involved RUs shall be informed of the decision taken by DB Netz AG within the deadlines stipulated in the abovementioned regulations.

3.5.3.3 Rail replacement services

The AP or the involved RU shall be responsible for planning, organising and running any required rail replacement services (cf. Section 3.5.6 Network Statement). Usage charges shall not be levied for the duration of the works (cf. Section 6.2.5.9 Network Statement).

3.5.3.4 Information about engineering work in the rail network

DB Netz AG publishes information on the internet about scheduled engineering work up to three months before the intended starting date.

More information is published on the internet at:

www.dbnetze.com/baustellen

3.5.4 Rights to price reductions because of engineering work

The rights of the AP or the involved RU to a reduction in price on account of temporary disruptions to services caused by extension or renewal of the infrastructure or by maintenance work are governed by the provisions of Section 6.2.5.7 Network Statement.

3.5.5 Line operating hours

The line operating hours of a working timetable period are determined according to the existence of the working timetable in the sense of Section 4.2.1.3 Network Statement. The line operating hours calculated on this basis are published on 15 November for the working timetable period beginning in December.

For train path applications in ad hoc traffic for the next working timetable period beginning in December, the line operating hours are determined as follows:

- Where a train path application is made after 15 November, train paths are processed according to the line operating hours published on 15 November.
- Where a train path application is made before 15 November, train paths are processed according to the line operating hours that were decided based on the current working timetable, which are continued if they differ from the operating hours published on 15 November in a manner that favours the AP.

The valid current line operating hours for the ongoing working timetable period and those for the working timetable period beginning in December are featured as factual data in the ISR.

For applications for train paths in ad hoc traffic outside existing line operating hours, Section 4.2.2.4 Network Statement applies as regards the deadline for train path processing (four weeks) and the deadline in which the customer can accept the train path offer (one working day). The deadline for issuing the timetable announcement (five working days) shall not apply. Operating outside existing line operating hours constitutes a fee-paying additional service pursuant to Sections 3.5.5 and 6.3.3 Network Statement.

More information is available from the Regional Units at:

www.dbnetze.com/kontakte

3.5.6 Rail replacement services

If the infrastructure is unavailable for a period determined in advance on account of scheduled works (e.g. engineering works), the affected AP or the involved RU shall decide whether to set up rail replacement services and organises such services accordingly. This refers to the use of buses or similar means of transport for the duration of the works until such time as the infrastructure is available again. The arrangements for charging for rail replacement services are defined in Section 6.2.5.9 Network Statement.

Rail replacement services do not include emergency bus services. Emergency bus services are defined in Section 3.5.2.1 of the GTCURI (Annex 1.6 Network Statement).

3.6 Passenger stations

DB Netz AG does not operate any passenger stations.

Information about access to and usage of the passenger stations/service stations operated by

- DB Station&Service AG is published on the internet at:
www.dbnetze.com/stationsnutzung
- the RNI is published on the internet at:
www.deutschebahn.com/regionetz

3.7 Freight terminals

DB Netz AG does not operate any freight terminals.

3.8 Service facilities

The usage of service facilities managed by DB Netz AG is governed by the NSSF. These are published on the internet at:

www.dbnetze.com/nbs

The usage of maintenance facilities of DB Netz AG is governed by the CMF. These are published on the internet at:

www.dbnetze.com/bfw

Supplying the AP or the involved RU with traction current is not a service provided by DB Netz AG. With the exception of the 30 kV network (customer facility) of the DC urban rapid transit service (S-Bahn) in Berlin which is operated by DB Netz AG, the necessary facilities are operated by DB Energie GmbH, which also provides the services associated with the facilities for the AP or the involved RU. More information is available at:

www.dbnetze.com/energie

3.9 Outlook for infrastructure development at DB Netz AG

The results of the infrastructure developments announced below are updated in the ISR (cf. Section 3.3 Network Statement).

3.9.1 Entry into service for/in the working timetable 2016

A current overview of the infrastructure sections or infrastructure measures which according to current planning/progress will enter into service for or in the working timetable 2016 is available on the internet.

www.dbnetze.com/inbetriebnahmen

3.9.2 Change in operational procedures

A current overview of changes in operational procedures is published on the internet at:

www.dbnetze.com/betriebsverfahren

3.9.3 Release of infrastructure

An overview of railway infrastructure currently offered by DB Netz AG for transfer and cost-bearing purposes is published on the internet at:

www.dbnetze.com/abgabeinfrastruktur

4 CAPACITY ALLOCATIONS

4.1 Introduction

DB Netz AG designs train paths in the sense of Art. 2 (1) EIBV on the basis of train path applications respectively on the basis of framework agreement applications (see Section 4.4 Network Statement).

4.2 Train path applications

The Network Statement and the announced planning parameters (cf. Guideline 402.0203, Annex 2.4.2 Network Statement) must be heeded when applying for train paths.

Train path applications and data required for allocation and operation in the working timetable in the sense of Section 4.2.1 Network Statement must be sent to the train path portal of DB Netz AG (TPN). The terms and conditions of use of the TPN are part of this Network Statement enclosed as Annex 4.2.

Further information on the use of the TPN is available on the internet:

www.dbnetze.com/tpn

Other train path applications can be made via the TPN or by means of e-mailing or faxing the applicable application form.

For other train path applications, the forms required for train path applications pursuant to Guideline 402.0202 are also available on the internet:

www.dbnetze.com/formulare

Particularly in the event of a technical failure or transfer disruption in the TPN system or in the event of an IT system not being available to the applicant, train path applications for the working timetable in the sense of Section 4.2.1 of the Network Statement can also be made by e-mailing or faxing the applicable application form to the contact named in Section 1.8 of the Network Statement.

Further information on the principles, content and format of train path applications is contained in Guideline 402.0202.

4.2.1 Working timetable

The arrangements and processes for train path applications under the working timetable are described in Guideline 402.0203. The main principles are explained below.

4.2.1.1 Missing or implausible information

DB Netz AG will demand any missing information without delay from the persons or entities named by the applicant AP or the involved RU. Once the application deadline for submitting an application for the working timetable has expired, these details must be provided by the AP or the involved RU within three working days after receiving the request from DB Netz AG. If the corresponding details are sent after these three working days have expired, DB Netz AG shall treat the application as being for ad hoc services outside the working timetable.

The above provisions apply accordingly also to implausible information. Information is deemed to be implausible particularly when the information is contradictory, a corresponding train path design is not possible for operational reasons or when similar contradictions apply.

If in addition to the subsequently demanded details, additional information is provided that deviates from the original application, this is deemed to be an amendment to the application.

4.2.1.2 Amending applications

Complete applications submitted on time are binding for train path processing. If the AP or the involved RU amends all or part of the application after the application date and before a contract is concluded, the punctually submitted application shall become null and void. The amended application is deemed to be a fresh application and treated by DB Netz AG as being for ad hoc services (Section 4.2.2 Network Statement).

4.2.1.3 Application deadlines for the working timetable

The following concrete deadlines based on the framework schedule pursuant to Guideline 402.0203 apply for the working timetable 2016:

Working timetable compilation	Deadline
Train path application deadline	13.03.2015 - 13.04.2015
Provisional draft working timetable	by 06.07.2015
Reaction of the AP or the involved RU to the provisional draft working timetable	by 06.08.2015
Final draft working timetable	by 13.08.2015*
Working timetable	by 19.08.2015*
Begin working timetable	13.12.2015 at 00:00 h

* = If DB Netz AG intends to reject train paths from the working timetable, the stated deadlines can be postponed following notification pursuant to AEG Article 14d (1) 1 and advance review by the Federal Network Agency pursuant to AEG Article 14e (1) 1.

4.2.1.4 Unpunctual applications

Applications that are not received on time (Section 4.2.1.3 Network Statement) are treated as applications for ad hoc services (Section 4.2.2 Network Statement).

4.2.1.5 Train path design

DB Netz AG designs train paths in order to grant all applications for the allocation of train paths as far as possible while ensuring the best possible utilisation of the available infrastructure capacity according to the regulations impacting on network access pursuant to Section 2.4.2 Network Statement.

If applications cannot be granted because of conflicting applications, a solution is brought about in the framework of the steps described below.

4.2.1.6 Design tolerance

Initially, DB Netz AG attempts to compile a train path offer within the following tolerances:

- train paths for passenger services: +/-3 minutes
- other train paths (e.g. freight trains, traction unit movements): +/-30 minutes without consulting the applicant.

4.2.1.7 Coordination procedure

If the above tolerances are insufficient to resolve the conflict or if this would make it impossible to meet AP or the involved RU requests for connection commitments/ interconnecting paths, the coordination procedure is adopted pursuant to Article 9 (3) EIBV.

In the coordination procedure, DB Netz AG enters into negotiations to bring about mutually acceptable solutions, submitting its own suggestions. These can deviate in time and place from the train path application. The AP or the involved RU can contribute own solution proposals that are checked for feasibility by DB Netz AG.

If the AP or the involved RU amends the train path application to bring about a mutually acceptable solution, Section 4.2.1.2 (3) Network Statement and Section 4.2.1.1 (3) Network Statement do not apply.

On reaching a mutually acceptable solution, this forms the basis for further preparation of the provisional draft working timetable.

4.2.1.8 Adjudication procedure

If the coordination procedure fails to produce a mutually acceptable solution, the adjudication procedure is implemented pursuant to Article 9 (4) or (5) EIBV.

4.2.1.9 Priority rules

In the adjudication procedure, DB Netz AG shall arrive at a decision adopting the following order of precedence, subject to the rights of the AP pursuant to Article 13 EIBV and to the provisions of Article 19 EIBV.

- regular-interval or integrated network services
- cross-border train paths
- train paths for freight traffic.

In the event that after application of the priority rules pursuant to Article 9 (4) EIBV, in the adjudication procedure a train path application for the working timetable is not given priority, DB Netz AG reviews whether this train path has any reference to a framework agreement. In this case, a non-conflicting train path is sought for this train path application within the margins secured in the framework agreement. If this is not available, the train path featured in the application is allocated to the AP holding a framework agreement.

Train paths with specifically named days of service take precedence over train paths to cover specific demand.

4.2.1.10 Standard charge procedure

If use of the priority rules still leaves the applications on an equal footing, DB Netz AG shall compare the charges for the disputed train paths pursuant to Article 9 (5) EIBV. This takes account of all days of service of the train path in the working timetable period with reference to the overall itinerary. Priority is given to the application generating the higher charge.

4.2.1.11 Highest bidder procedure

If the standard charge procedure fails to produce a decision, the highest bidder procedure is implemented pursuant to Article 9 (6) EIBV.

To initiate the highest bidder procedures, DB Netz AG invites the affected APs or involved RUs to offer a sum of money within five working days that is higher than the payable charge under the terms of the relevant list of charges for train paths, referring to the entire working timetable period. The bids are to be forwarded to DB Netz AG only through the Federal Network Agency.

The train path is allocated to the bidder willing to pay the highest charge.

The decision is documented and countersigned by the AP or involved RU and DB Netz AG. This is deemed to be an offer of a contract pursuant to Article 11 (1) EIBV.

4.2.1.12 Provisional draft working timetable

DB Netz AG draws up a provisional draft working timetable based on the applications received.

4.2.1.12.1. Communication

After drawing up the provisional draft working timetable, DB Netz AG sends the current status of the respective train path applications to the AP or the involved RU in writing or by electronic means.

4.2.1.12.2. Reaction

The AP or the involved RU is given one month to react to the provisional draft working timetable in writing or by electronic means.

4.2.1.12.3. Justified objections

Objections are justified when the reaction sent by the AP or the involved RU refers to its own train path applications and claims that:

- the working timetable unjustifiably fails to give consideration to its train path application
- the status of its train path application fails to conform because this has not been drawn up pursuant to the rules for processing train paths laid out in the Network Statement (including coordination/adjudication/highest bidder procedure).

Objections are dealt with within five working days after expiry of the period for reacting to the provisional draft working timetable.

4.2.1.13 Final draft working timetable

The final draft working timetable shall be in place on expiry of the five working days for addressing justified objections.

On the basis of the final draft working timetables, DB Netz AG shall promptly produce a train path offer for concluding an ENV.

4.2.1.14 Offer acceptance

The train path offer is to be accepted or rejected within five working days of being received. Acceptance of the train path offer leads to conclusion of a contract. If the train path offer is not accepted or rejected within this period, entitlement to allocation of the train path in the application is relinquished. A fresh application is only possible for ad hoc services.

4.2.1.15 Train path rejections

If DB Netz AG intends to reject train paths in drawing up the working timetable, corresponding notification is given pursuant to Article 14d (1) 1 AEG with advance review by the Federal Network Agency pursuant to Article 14e (1) 1 AEG. DB Netz AG submits the train path offers with due consideration to the decision by the Federal Network Agency, stating the reasons for rejections.

4.2.2 Ad hoc services

The arrangements and processes for ad hoc services are described in Guideline 402.0204. The main principles are explained below.

4.2.2.1 General

Applications for ad hoc services pursuant to Article 14 EIBV are applications not falling within the working timetable or not meeting the deadlines of the working timetables.

The following cases are also deemed to be applications for ad hoc services:

- Applications of amendments to train paths in the working timetable after the application deadline pursuant to Section 4.2.1.2 (3) Network Statement
- Sending required additional information (cf. Section 4.2.1.1 Network Statement) for train path applications for the working timetable after the set deadline has expired.

4.2.2.2 Missing or implausible information

DB Netz AG will demand any missing information without delay from the persons or entities named by the applicant AP or the involved RU. The start of the processing period pursuant to Section 4.2.2.4 Network Statement depends on the point in time at which the missing information is received by DB Netz AG. If the missing information is not sent, this means that the train path application is not complete. Accordingly, the application for processing the train path cannot be accepted.

The above provisions apply accordingly also to implausible information. Information is deemed to be implausible particularly when the information is contradictory, a corresponding train path design is not possible for operational reasons or when similar contradictions apply.

If in addition to the subsequently demanded details, additional information is provided that deviates from the original application, this is deemed to be an amendment to the application.

4.2.2.3 Amending applications

Application amendments also contain the withdrawal of the application for the train path being amended. If the AP or the involved RU amends a train path application that has been submitted in full, the processing period pursuant to Section 4.2.2.4 Network Statement begins again. In the case of application amendments, the days of service of parts of the itinerary not affected by the amendment remain unaffected.

4.2.2.4 Deadlines for processing train path applications

The processing deadlines for train path applications in ad hoc services of DB Netz AG pursuant to Article 14 EIBV are listed in the following table.

The following cases entail particularly extensive train path processing at DB Netz AG pursuant to Article 14 (2) sentence 2 EIBV:

- Passenger trains including all directly connected transfer movements
- Steam locomotive movements (coal and oil-fired)
- Consignments pursuant to Section 2.5 Network Statement
- Consignments for which calculation of an individual tonnage rating is necessary or requested
- Recording movements and trial runs
- Movements through more than one regional unit of DB Netz when registered as having "arrival priority" on the train path application form (so-called reverse processing)
- Movements by vehicles with a max. permissible speed of less than 50 km/h (e.g. ancillary vehicles, damaged vehicles)
- Movements entailing a special type of schedule because of the registered vehicles, type of line or other parameters (e.g. train control operations)
- Movements in ad hoc services on lines not marked as open in the sense of Section 3.5.5 Network Statement.

	Deadline for train path processing	Deadline for customer to accept the offer	Deadline for announcement of the timetable
Applications for ad hoc services	4 weeks	5 working days	5 working days
Applications for short-notice allocations for individual train paths	48 hours	24 hours	1 hour
Applications for short-notice allocations of individual train paths involving particularly extensive processing	4 weeks	1 working day	5 working days

The above deadlines are the maximum deadlines.

4.2.2.5 Late applications

DB Netz AG will always try to deal even with those train path applications that are received late according to the above table.

4.2.2.6 Train path design

DB Netz AG designs train paths in order to grant all applications for the allocation of train paths as far as possible while ensuring the best possible utilisation of the available infrastructure capacity according to the regulations impacting on network access pursuant to Section 2.4.2 Network Statement.

Train paths for ad hoc services are designed in the framework of the surplus infrastructure capacity.

4.2.2.6.1. Competing train path applications

If a train path competes with another train path for ad hoc services, the first train path that was applied for is given priority.

4.2.2.6.2. Deviation from the train path application

If the surplus capacity precludes an offer being made in accordance with the application, DB Netz AG shall initially try to design an offer without substantial deviations from the stipulations given in the application.

Substantial design deviations refer to:

- a difference of more than one hour relative to the application for passenger trains
- a different itinerary for passenger trains than detailed in the application, so that scheduled stops featured in the application cannot be served
- a difference of more than two hours relative to the application for freight trains and other traffic.

If an offer can only be given with substantial deviations, DB Netz AG shall coordinate these deviations with the AP or the involved RU.

In the case of applications for train paths allocated at short notice pursuant to Section 4.2.2.4 Network Statement, clarification with the AP or the involved RU is not possible in case of substantial deviations.

4.2.2.7 Train path offer by DB Netz AG

4.2.2.7.1.

In the case of applications pursuant to Article 14 (1) EIBV, the AP or the involved RU receives the train path offer from DB Netz AG straightaway, but at the latest on expiry of the

processing period as per Section 4.2.2.4 Network Statement. DB Netz AG also deals immediately with applications for allocation of a train path when the applied for or necessary departure time is less than 73 hours after the application date. In these cases, it cannot be ruled out that it may not be possible to allocate a corresponding train path before the applied for or necessary departure time for operational reasons.

4.2.2.7.2.

In the case of train path applications whose movements cross more than one regional unit of DB Netz and if the AP or the involved RU asks for an offer for partial sections of the route, DB Netz AG will comply with this request as far as possible. Section 2.1 b) GTCURI (Annex 1.6 Network Statement) remains unaffected.

4.2.2.8 Submitting a train path offer before the working timetable comes into effect

In the case of applications referring to the working timetable that are deemed to be late pursuant to Section 4.2.1.4 Network Statement and are therefore treated as applications for ad hoc services, the processing period pursuant to Section 4.2.2.4 Network Statement begins on completion of the final working timetable featured in the original application.

4.2.2.9 Accepting the offer

In the case of punctual applications, acceptance of the offer by the AP or the involved RU must take place within the acceptance period pursuant to Article 14 (1) EIBV in conjunction with Section 4.2.2.4 Network Statement. Otherwise the ENV does not come about. Section 6.2.5.3 Network Statement applies.

4.2.2.10 Waiving written acceptance

The AP or the involved RU may state its intention to waive written acceptance when making its application. In such cases, the offer is deemed to have been accepted once it has been received by the AP or the involved RU without immediate rejection.

In the case of application pursuant to Section 4.2.2.7.1 (2) Network Statement, the offer is also deemed to be accepted if the AP or the involved RU does not declare immediately after receiving the offer that the train path offered will not be used. The offer is also accepted when the AP or the involved RU begins to use the offered partial section of the train path on receiving an offer for partial sections pursuant to Section 2.1 (b) GTCURI (Annex 1.6 Network Statement).

4.2.2.11 Train path rejections

If an application cannot be implemented in the framework of the surplus infrastructure capacity or if the AP or the involved RU rejects significant deviations pursuant to Section 4.2.2.6.2 Network Statement, corresponding notification is given pursuant to Article 14d (1) 2 AEG with advance review by the Federal Network Agency pursuant to Article 14e (1) 2 AEG.

4.2.3 Cooperation between DB Netz AG and domestic RIUs

If an AP submits a train path application to DB Netz AG that also includes the infrastructure of other domestic RIUs in the scope of the AEG, DB Netz AG shall cooperate with the involved RIUs in the interest of efficient creation of infrastructure capacity and train path allocation.

If a train path application to a neighbouring route operator has been submitted where no corresponding connection route has been applied for with the neighbouring RIU, the train path shall be constructed up to a suitable upstream station within the area of DB Netz AG.

If a train path application to a neighbouring route operator has been submitted where a corresponding connection route has been applied for with the neighbouring RIU, then the

information relating to the territory of the neighbouring RIU provided in the offer made by DB Netz AG is subject to the consent of the neighbouring RIU.

4.2.4 Cross-border train path applications

Applications for train paths in cross-border services can be submitted on the national level to the contacts of the corresponding neighbouring RIU stated in Section 1.8. Network Statement, or as a harmonised train path for the complete international route with a corresponding OSS.

The provisions stipulated in the Network Statements of the corresponding neighbouring RIU apply to the procedures involved in train path application, processing and offer compilation.

DB Netz AG makes the following requirements for harmonised train path application:

- Train path application via the PCS IT application (cf. Section 1.10.2) or use of the current RNE application form.
- Broken down into international route sections, stating all APs or the involved RUs responsible in each particular case. The AP or the involved RU must fulfil the access prerequisites.
- For the German section of the route, a German-speaking contact must be named with responsibility for train path planning.
- For the German part of the route, compliance is required with the provisions of this Network Statement.

If in addition to the RNE form, an additional and therefore duplicate train path application is received for the German part of the route via TPN and if the details deviate, the application submitted via TPN is authoritative.

In applications via PCS, general and special national prerequisites (in compliance with the regulations in this Network Statement) must be fulfilled. If these prerequisites differ, the national prerequisites shall be decisive.

4.2.4.1 Train path design on cross-border routes

If a train path application has been submitted for a cross-border route where no corresponding connection route has been applied for with the neighbouring RIU, DB Netz AG is responsible for train path design up to a suitable station before the border.

If a train path application has been submitted for a cross-border route where a corresponding connection route has been applied for with the neighbouring RIU, then the information relating to the territory of the neighbouring RIU provided in the offer made by DB Netz AG is subject to the consent of the neighbouring RIU.

4.2.4.2 Catalogue train paths for cross-border traffic

Up to 11 months before the change in timetable, neighbouring RIUs belonging to RNE agree on provisional cross-border train paths (catalogue train paths) regardless of any concrete train path applications. When submitting a train path application for the working timetable, the APs can make reference to one of these cross-border catalogue train paths.

www.dbnetze.com/katalogtrassen

After conclusion of the contract under the working timetable, DB Netz AG provides information on the internet about which catalogue train paths are still available at this point in time. The information is published at:

www.dbnetze.com/restkapazitaeten

Information about the catalogue train paths is also published on the RNE website at:

www.rne.eu/index.php/catalogue-tailor-made-paths.html

4.2.5 Catalogue train paths on rail freight corridors

From the publication of the train path catalogue (cf. Section 4.2.5.1 Network Statement) to the close of applications for the working timetable PaPs are reserved especially for train path applications in cross-border rail freight transport.

The corridor OSS (cf. Section 1.9.1 Network Statement) offers PaPs and remaining capacities for cross-border rail freight transport pursuant to Articles 13 and 14 of Regulation (EU) No 913/2010 based on the process described below.

4.2.5.1 Train path applications for PaPs

The PaPs are published each year in mid-January (11 months before the start of the working timetable) in a special train path catalogue. This can be accessed via the Path Coordination System (PCS cf. Section 1.10.2 Network Statement) and the homepage of the corridor in question.

Details are made available on the internet by RNE:

<http://pcs.rne.eu>

Train path applications for cross-border rail freight transport on PaPs or on sections of PaPs that cross at least one border can until the close of applications for the working timetable be submitted directly in PCS exclusively and thereby, in deviation from Section 4.2.4 of the Network Statement, not to the corresponding participating RIU. A PCS account can be requested directly from RNE or via the corridor OSS.

In the event of the technical failure of PCS, RNE offers the option of submitting train path applications for PaPs by means of sending the current RNE application form to the contact named in Section 1.9.2.

Details are made available on the internet by RNE:

<http://pcs.rne.eu>

Train path applications for PaPs that are received directly by DB Netz AG are treated as train path applications for the working timetable in the sense of Section 4.2.1. of the Network Statement. If it is clear that reference is being made to a PaP, an appropriate message is sent to the applying AP and the corridor OSS.

International train path applications that are sent to the corridor OSS via PCS after the close of applications for the working timetable are treated as train path applications for ad hoc traffic. The corridor OSS forwards the train path applications to the RIU affected and informs the AP.

In connection with PaPs, feeder and outflow paths can also be applied for at the corridor OSS via the PCS booking tool. The corridor OSS forwards this train path application for processing to the RIU(s) affected and sends the AP an offer for a provisional or final draft working timetable in PCS (PaP incl. feeder and outflow paths) for RIUs involved in the corridor.

In some sections, PaPs may be referred to as "Flex PaPs". In this context, the arrival and departure times specified in the PaP catalogue as well as the stops and stop times are intended strictly as reference points and can be changed by the AP in the train path application within a predefined period. Decisive in this respect is that the predefined standard running time, including the maximum stop time between fixed operating locations (these are usually the border operating locations agreed upon with the neighbouring RIUs), is not exceeded. Within this framework, stops and stop times can be applied for as required by the AP (e.g. by replacing a stop specified in the Flex PaP with another stop along the route of the rail freight corridor or by cumulating or distributing the maximum stop time at different stops).

The corridor OSS checks the train path application and highlights any missing or implausible information to the AP responsible in the PCS, particularly in relation to the Flex PaP. The corridor OSS requests immediate clarification of this information within five working days. Train path applications that cannot be clarified or that still fail to meet the defined Flex PaP requirements are forwarded by the corridor OSS to the RIUs affected for further processing in the working timetable.

Details on this process are available in the applicable CID Book 4 for rail freight corridors and are published on the website of the rail freight corridors.

4.2.5.2 Train path allocation for PaPs

The relevant corridor OSS decides on allocation for the entire itinerary of the corridor in accordance with a uniform priority regulation that has been adopted by the relevant rail freight corridor's executive board and that applies in deviation from Section 4.2.1.9.

The priority regulation from Annex 3 to the "Framework for Capacity Allocation" dated 2 December 2014, **Annex 4.2.5 Network Statement** applies for the Rhine-Alpine and North Sea-Baltic rail freight corridors.

The priority regulation for the Scandinavian-Mediterranean rail freight corridor will be announced as soon as it has been agreed upon by the executive board.

The corridor OSS informs the AP in early May of the intermediate outcome of the allocation decision. The definitive allocation is achieved by means of the procedure described below.

Following creation of the provisional draft working timetable by the RIUs, in the name of all participating RIUs, the corridor OSS informs the AP electronically via PCS of the status of the provisional draft working timetable for the entire international itinerary resulting from the train path applications (PaPs incl. feeder paths and/or alternative offers). The APs can submit comments on this electronically in PCS within one month. Based on the final draft working timetable, the corridor OSS creates the train path offer in PCS in the name of all participating RIUs. For the further steps in the process (particularly acceptance of the train path offer, commercial conditions such as train path pricing, cancellation, etc.) the relevant national network statements of the participating RIUs and the individual usage agreements (ENV) are concluded with the relevant RIUs. Train path applications for which no PaP can be made available under the priority regulation are forwarded by the corridor OSS to the RIU in question so that an alternative offer can be drawn up. These train path applications are in any case valid as timely train path applications for the working timetable and do not have to be submitted again. The same applies for the feeder paths and/or change requests for PaPs applied for from the corridor OSS.

For deadlines in the working timetable see also Section 4.2.1.3 of the Network Statement and for information on communication under the provisional working timetable Section 4.2.1.12 ff. of the Network Statement.

Change requests that are received after the close of applications for the working timetable and that change the priorities relevant for the allocation decision and/or the border times for the PaPs are treated as train path applications in ad hoc traffic.

Details on the train path application and allocation process and the framework regulation adopted by the corridor's executive board for the allocation of infrastructure capacity in the sense of Article 14 (1) of Regulation (EU) No 913/2010 are available on the websites of the relevant corridors (see the links in Section 1.9).

4.2.5.3 Train path applications for reserve capacities

Reserve capacities on the rail freight corridors are published two months before the start of the working timetable in each case.

These reserve capacities are entered in the form of free capacity per calendar day and corridor section, based on standard journey times and standard parameters. The corridor OSS publishes for this purpose a reserve capacity calendar in which the number of train paths still available for international freight transport operations per calendar day/corridor section is shown.

The reserve capacity calendar is made available on the internet and updated regularly by the corridor OSS:

Train path applications for remaining capacities can be submitted electronically directly to the corridor OSS in PCS.

The corridor OSS only considers train path applications that are submitted at least 30 days before the day of service. For train path applications submitted later than this, processing is the responsibility of the appropriate RIUs in accordance with the procedure described in the relevant national network statement.

For changes to train path applications for remaining capacities, Section 4.2.2.3 of the Network Statement shall apply analogously.

4.2.5.4 Train path allocation for reserve capacities

The corridor OSS decides on allocation based on the order in which the train path applications for remaining capacities are received in PCS and updates the published reserve capacity calendar accordingly.

In the rail freight corridors, the relevant corridor OSS informs the applicants of the proposed train path offer for the entire international itinerary in PCS by 10 days before the first day of service at the latest.

4.3 Congested railway lines

4.3.1 Congestion declarations

DB Netz AG has declared the following lines as being congested:

- Line 5200 Gemünden (Main) – Würzburg
- Line 5910 Würzburg – Fürth (Bavaria)
- Line 5900 Fürth hub (Bavaria) – Bamberg
- Line 4000 Offenburg – Gundelfingen junction
- Line 4000 Leutersberg junction – Weil am Rhein
- Line 3600 Hailer-Meerholz – Fulda
- Line 1720 Uelzen – Stelle
- Berlin-Spandau station
- Line 1700 Wunstorf – Minden
- Line 1210 Niebüll-Westerland (Sylt)
- Hamburg central station.
- Line 6109 Berlin Ostbahnhof – Berlin Charlottenburg (“Berliner Stadtbahn”)

4.3.1.1 Compiling usage regulations for congested lines

Usage conflicts can be expected on the lines featured in Section 4.3.1 Network Statement for the working timetable period 2016, given the high demand for train paths.

DB Netz AG has therefore developed line-specific stipulations for dealing with and allocating train paths for the working timetable period 2016 in the event of path usage conflicts.

These stipulations are geared to increasing the available railway line capacity pursuant to Article 18 EIBV with optimised capacity utilisation on the abovementioned congested railway lines pursuant to Article 16 EIBV.

The validity of the operational usage regulations is limited to the working timetable period 2016. Depending on further developments on the congested lines, DB Netz AG will re-issue the operational usage specifications, possibly modified where applicable, in the Network Statement for the subsequent working timetable periods.

4.3.1.2 Usage regulations for congested lines

The following usage regulations apply to the above congested lines:

- For the lines 5200 Gemünden (Main) – Würzburg, 5910 Würzburg – Fürth (Bavaria) and 5900 Fürth node (Bavaria) – Bamberg, **Annex 4.3.A Network Statement**,
- For the line 3600 Hailer-Meerholz – Fulda, **Annex 4.3.B Network Statement**,
- For the lines 4000 Offenburg – Gundelfingen junction and 4000 Leutersberg junction – Weil am Rhein, **Annex 4.3.C Network Statement**,
- For Hamburg central station, **Annex 4.3.D Network Statement**,
- For the line 1720 Uelzen – Stelle, **Annex 4.3.E Network Statement**.
- For the station Berlin-Spandau, **Annex 4.3.F Network Statement**,
- For the line 1700 Wunstorf – Minden, **Annex 4.3.G Network Statement**.

4.3.1.3 Usage regulations and framework agreements

The provision made in Section 4.3.1.2 Network Statement applies accordingly for the process of application, processing and allocating capacities in the context of framework agreements.

For the lines listed under Section 4.3.1.2 Network Statement framework agreement applications are accepted only if the application fulfils the operational/technical requirements for use. This also applies if the lines listed under Section 4.3.1.2 Network Statement are only parts of lines under the framework agreement application.

4.3.1.4 Train path advice for AP

In order to assist in train path planning and application for lines affected by the above-mentioned usage regulations DB Netz AG offers the AP the possibility of using free train path advice.

More information about the possibilities of obtaining train path advice is available from the Regional Units:

www.dbnetze.com/kontakte

4.3.1.5 Detection of other congested railway lines

DB Netz AG provides information about other detected congestion on the railway lines at:

www.dbnetze.com/uels

4.4 Framework agreements

4.4.1 General

- a) On concluding framework agreements, DB Netz AG shall offer the AP a train path in the sense of Article 2 (1) EIBV within the duly agreed tolerance margin without adopting the highest bidder procedure when applications for simultaneous irrevocable usage are encountered in compiling the working timetable.
- b) The rail infrastructure capacities defined as per Article 13 EIBV shall be explicitly named in the annexes to the framework agreement (cf. Annex 4.4.A Network Statement).

A reference profile for a rail infrastructure capacity is defined by the information on time, day of service and itinerary contained in the annex of the appropriate framework agreement.

- c) Tolerance margins constitute permissible variance from a reference profile that may be used in the compiling of a working timetable path that was applied for in relation to a framework agreement. These are selected in such a way that under operational conditions at least three train paths can be made available. For rail infrastructure capacities the following tolerance margins apply at the very least
- + / - 3 minutes for S-Bahn (urban rapid transit) transport on purely S-Bahn lines
 - + / - 5 minutes for passenger transport
 - + / - 30 minutes for freight transport

When applying for framework agreements, APs can enter larger tolerance margins, which then become a component of the framework agreement.

- d) Rail infrastructure capacities must be secured for at least 100 days of service in a working timetable period, or at least one day of service per week with at least 45 days of service that are the same per working timetable period, in the framework agreement. Applications for single days, or for additional days, lost days and weekday public holidays, are not possible.

If the term of the framework agreement is more than two working timetable periods, the minimum number of days of service in the first working timetable period does not have to be met.

- e) Rail infrastructure capacities that are intended to guarantee optional paths cannot be secured in a framework agreement.
- f) If, due to a conflict of several applications for framework agreements, a standard charge procedure pursuant to Article 13 (10) EIBV and Article 9 (5) EIBV in conjunction with Section 4.2.1.10 Network Statement is adopted, the standard charge for the reference profile of the capacity secured in the framework agreement is calculated taking into account the days of service applied for under the framework agreement for the duration of the framework agreement, at the most, however, until the end of a framework working timetable period.
- g) If, due to a conflict of several applications for framework agreements, a highest bidder procedure pursuant to Article 13 (10) EIBV and Article 9 (6) EIBV in conjunction with Section 4.2.1.11 Network Statement is adopted, DB Netz AG requests that the affected AP or the involved RU offer a sum of money within five working days.

The bids are to be forwarded to DB Netz AG exclusively through the Federal Network Agency.

- h) In the allocation of framework agreements on freight corridors or sections of freight corridors, rail infrastructure capacity already secured in catalogue train paths that already exist at the time of allocation in the sense of Regulation (EU) No 913/2010 (cf. Section 4.2.5 Network Statement) is not available for the allocation of framework agreements.
- i) To safeguard the implementability of the provisions in EU Regulation (EU) No. 913/2010, in particular to enable the conflict-free definition of further catalogue train paths pursuant to Article 14 EU Regulation (EU) No. 913/2010 that may be required for the future, DB Netz AG defines annually the capacity on freight corridors that is not available for the allocation of framework agreement capacities.

At the latest seven months before the end of the application deadline for period-related framework agreements (Section 4.4.3.8 Network Statement) DB Netz AG provides information on the defined capacity pursuant to Section 4.4.1 h) and i) Network Statement on the following website:

www.dbnetze.com/rahmenvertrag

Applications for framework agreements that relate to such a capacity in full or in part may be refused.

- j) An overview of the capacity secured by framework agreements on the network operated by DB Netz AG is provided in the ISR (cf. Section 3.3.2.12 Network Statement). This shows on which routes the capacity secured by framework agreements is above or below the 75% ceiling.
- k) Furthermore, the AP can request the disclosure of framework agreements as stipulated in Section 6.2.5.5 Network Statement. Such a request can also make reference to the defined capacity pursuant to Section 4.4.1 h) and i) Network Statement.
- l) Fees may be charged for the processing of framework agreements.
- m) A master framework agreement with annexes is provided in **Annex 4.4.A to the Network Statement**.

4.4.2 Term

Framework agreements may only be concluded to run to the end of a framework timetable period and shall always have a term of five years. Exceptions are possible pursuant to Article 14a (2) AEG, Article 13 (5) 2 and (11) EIBV together with Section 4.4.3.4 Network Statement.

Framework agreements must have a term of at least two successive working timetable periods.

4.4.3 Application

4.4.3.1

An infrastructure usage agreement in accordance with Annexes 2.1.1 must have been concluded before an application for a framework agreement is submitted.

Every framework agreement with a term of more than five years requires approval by the regulatory authority in accordance with Article 14a (2) AEG. This does not apply for framework agreements with authorised parties in the sense of Article 14 (2) 3 and 4 AEG.

Approval by the regulatory authority is to be submitted to DB Netz AG with the application for the framework agreement. If the approval pursuant to Article 14a (2) AEG is not available at the time of application for such a framework agreement, the application shall be valid as an application for a framework agreement with a term of five years.

4.4.3.2

Framework agreement applications can always only be submitted effective for the next working timetable period following on after the application.

A framework agreement always comes into effect with the next working timetable period commencing directly after conclusion of the framework agreement.

4.4.3.3

Applications for conclusion of period-related framework agreements must be submitted by the application deadline through the TPN or in writing or as a data carrier, using the correspondingly valid order form available from the DB Netz AG contact specified in Section 1.8 Network Statement.

4.4.3.4

a) Applications for aperiodic framework agreements pursuant to Article 13 (11) EIBV can be concluded at any time. Applications for aperiodic framework agreements must be submitted to the DB Netz AG contact specified in Section 1.8 Network Statement in writing or as a data carrier, using the correspondingly valid order form.

- b) If an aperiodic framework agreement is to be taken into consideration when devising a working timetable, this framework agreement must be concluded at the latest at the end of the period within which APs can submit applications for allocation of train paths for this working period (cf. Section 4.2.1.3 Network Statement).

In the event that it is not possible to conclude the framework agreement by this point in time, it must already be stated in the application whether it should also be valid for conclusion effective with a later working timetable period.

4.4.3.5

- a) Applications for amendments to existing framework agreements can be concluded within the deadlines published in accordance with Section 4.4.3.7. Applications for amendments to framework agreements must be submitted to the DB Netz AG contact specified in Section 1.8 Network Statement in electronic form through the TPN or in writing or as a data carrier, using the correspondingly valid order form and quoting the applicable capacity number.
- b) For amendments to framework agreements to take effect with the next working timetable period on fulfilling the prerequisites stated in the master framework agreement, the applications for amendments must be made at the latest by the second Monday in October of the year preceding the application for the respective working timetable.
- c) For an amendment to an existing framework agreement to come into effect with the next working timetable period, this amendment must be concluded at the latest by the end of the period within which APs can submit applications for the allocation of train paths for this working timetable (cf. Section 4.2.1.3 Network Statement).
- d) A request for modification to rail infrastructure capacities in the sense of Article 4 (1) or Article 4 (2) of the master framework agreement shall refer to those capacities that are directly affected by a permanent change in the rail infrastructure (primary effect). Where the modification of rail infrastructure capacities in the sense of Article 4 (1) or Article 4 (2) of the master framework agreement makes modification necessary in a further infrastructure capacity directly affected by this (secondary effect), a modification of this nature can also be undertaken in accordance with Article 4 of the master framework agreement (in conjunction with Annex A to the master framework agreement). Any modification to rail infrastructure capacities that goes beyond this specification is not possible. A modification to a rail infrastructure capacity due to only the threatened loss of connections or the disruption of turnaround cycles is not required.

4.4.3.6

Only completely and correctly completed applications can be processed. DB Netz AG shall request any missing or implausible details straightaway from the person or entity named as contact by the AP submitting the application. The requested details are to be provided within three working days. If the AP sends the details after this deadline or makes amendments or changes to the application that have not been requested, this will make the application null and void.

4.4.3.7

The currently valid concrete deadlines for submitting applications to conclude period-related framework agreements and for amending existing framework agreements effective as of the next working timetable period in each case (cf. Section 4.4.3.5 b) Network Statement), are published by DB Netz AG in the Federal Gazette and on the following website:

www.dbnetze.com/rahmenvertrag

4.4.4 Processing

DB Netz AG processes all framework agreement applications with due consideration to the best possible utilisation of the infrastructure pursuant to the stipulations in the regulations impacting on network access (cf. Section 2.4.2 Network Statement).

In compiling and coordinating the applications for framework agreements from the AP and drawing up framework agreement offers, DB Netz AG takes as a basis the planning principles announced for the working timetable period that follows the conclusion of the agreement in each case. The tolerance margins agreed in the annexes of the framework agreement are used in the devising of the working timetable, with consideration given to the planning parameters announced by DB Netz AG and other temporary infrastructure changes.

4.4.4.1 Period-related framework agreements

a) If competing applications are received for conclusion of period-related framework agreements, an attempt is made initially without consulting the applicant to devise an offer for concluding a period-related framework agreement within the following tolerances:

- for passenger services: +/-3 minutes
- for the other services: +/-30 minutes.

If these tolerances are not sufficient to solve the conflict, then the coordination process is initiated pursuant to Section 4.4.4.1 b) Network Statement.

b) If it is not possible to process the applications for conclusion of a period-related framework agreement pursuant to Section 4.4.4.1 a) Network Statement without conflict, DB Netz AG shall negotiate with the APs or their authorised representatives (usually by phone) in order to obtain an acceptable solution. If such a solution is found, it shall be documented straightaway by DB Netz AG.

If an AP changes its application to facilitate an acceptable solution, Section 4.4.3.6 sentence 4 Network Statement shall not apply.

c) If a mutually acceptable solution cannot be found, a decision shall be taken pursuant to Article 13 (10) EIBV in conjunction with Article 9 (4) to (6) EIBV. Sections 4.2.1.8, 4.2.1.9, 4.2.1.10 and 4.2.1.11 Network Statement shall apply accordingly.

d) If the decision procedure as described in Section 4.4.4.1 c) Network Statement in conjunction with Article 13 (10) EIBV and Article 9 (4) to (6) EIBV was adopted, DB Netz AG shall also provide the unsuccessful AP with an offer under the following conditions, which are to be fulfilled cumulatively:

- The offer made by DB Netz AG for the application given priority was rejected or not accepted within the deadline period by the successful AP
- The application made by the unsuccessful AP correlates with the applied for framework agreement capacity given priority with regard to:
 - the term of the agreement or part of the term of the agreement and
 - the reference profile pursuant to Section 4.4.1 b) Network Statement or part of the reference profile.

The corresponding offer shall be submitted in accordance with the deadline periods stipulated in Section 4.4.3.7 Network Statement and must be accepted within two working days following receipt by the AP.

4.4.4.2 Applications for conclusion of aperiodic framework agreements

a) Applications for conclusion of aperiodic framework agreements are processed following review on receipt, in the order of receipt.

b) Applications for conclusion of aperiodic framework agreements are processed within a standard processing period of 10 weeks from receipt of the application by the DB Netz AG contact specified in Section 1.8 Network Statement. The processing period breaks down into the following processing steps:

- Devising the agreement on the basis of the specific residual framework agreement capacity
- Review of the capacity limit pursuant to Article 13 (2) EIBV

- Declaration of the intended decision to conclude a framework agreement pursuant to Article 14 d (4) AEG and review by the Federal Network Agency pursuant to Article 14e (1) 3 AEG
- Submission of an offer for conclusion of a framework agreement and acceptance of the offer.

At the same time as making the declaration of the intended decision to conclude a framework agreement pursuant to Article 14 d (4) AEG, the APs are informed about the intended decision without any legal obligation.¹

- c) Applications for conclusion of aperiodic framework agreements are devised within the framework of the residual framework agreement capacity existing at the point in time of processing.
- d) If the existing residual framework agreement capacity does not permit the submission of a corresponding offer, DB Netz AG shall seek alternatives within the framework of the available residual capacities inside the following tolerances:
- for passenger transport: a deviation in time from the application of up to one hour or a different itinerary from that stated in the application, although this may possibly not permit certain stops featured in the application,
 - for all other services: a deviation in time from the application of up to two hours or a different itinerary from that stated in the application, although this may possibly not permit certain stops featured in the application.

4.4.5 Framework agreement offer

- a) An offer for conclusion of a period-related framework agreement must be accepted within fourteen working days following receipt of the offer by the AP. Section 4.4.3.7 remains unaffected.
- b) An offer to conclude an aperiodic framework agreement must be accepted within fourteen working days following receipt of the offer by the AP.

4.4.6 Contractual penalty

A general contractual penalty in the sense of Article 13 (3) EIBV in the amount of EUR 400.00 per affected rail infrastructure capacity is levied if:

- a train path application for the working timetable makes no reference to rail infrastructure capacity secured in a framework agreement,
- a train path application, which makes reference to rail infrastructure capacity secured in a framework agreement, is not accepted by the AP or not accepted within the deadline period,
- or the AP deviates in a train path application from the itinerary secured in a framework agreement. This last point does not apply if the deviation is due to engineering work and was communicated pursuant to the provisions in the framework agreement.

Section 6.2.5.3 Network Statement remains unaffected by this.

The provisions under Section 4.4.6 apply only for framework agreements concluded on or after 15 April 2014.

4.5 Capacity needs for maintenance and extension/renewal of infrastructure

This is governed by the provisions of 3.5.3 Network Statement and Guideline 402.0305.

4.6 Remains empty

¹ Pursuant to Article 14a (2) 1 AEG, DB Netz AG's intended decision cannot be reported to the AP in a legally valid manner during the Federal Network Agency's four-week review period pursuant to Article 14d (1) 4 AEG in conjunction with Article 14e (1) 1 AEG.

4.7 Special consignments, hazardous goods transports and train path applications with individual tonnage rating

4.7.1 Train path applications for special consignments

Dealing with a train path application for special consignments pursuant to Section 2.5 Network Statement entails a particularly extensive procedure pursuant to Section 4.2.2.4 Network Statement. The corresponding deadlines are stated in the table of the aforementioned Section in the Network Statement.

The train path application for special consignments must state the Bza number of the feasibility study aT.

4.7.2 Train path applications for hazardous good transports

If the AP or the involved RU intends to transport hazardous goods pursuant to the GGVSEB and RID, this must be stated by the AP in the train path application together with the corresponding RID hazard category number.

4.7.3 Train path applications with individual tonnage rating

If the AP intends to apply for a train path with an individual tonnage rating, the individual tonnage rating number is to be entered when the train path application is made.

4.7.3.1 Secured passing without stops

If an individual tonnage rating makes it necessary to set the signals that regulate the headways between trains to secure passing without stops, DB Netz AG decides whether or not to grant the secured passing according to the criteria presented below:

- a) On lines with a capacity utilisation level of up to 35%, secured passing without stops is granted if for the timetable year in question the known/anticipated operating schedule remains possible despite the granting of secured passing and if no other trains are hindered.
- b) On lines with a capacity utilisation level of over 35%, secured passing without stops can be granted if the requirements stated in a) above are satisfied and if secured passing is not required at more than two consecutive signals.

A further instance of secured passing without stops on the train's itinerary is only permitted to be required at the third signal following these signals at the earliest. Exceptions can be made in individual cases where two or more working traction units are in use.

- c) Secured passing without stops is not permitted on congested lines or on lines that are likely to be declared congested in the near future in accordance with Section 4.3.1 Network Statement.

If the customer wishes to be told the maximum load that can be transported under the criteria mentioned above, a comment to this effect is to be included in the application for the individual tonnage rating.

The processing period stated in Section 2.10 (3) Network Statement is increased by 5 working days to allow for the required checks for secured passing without stops.

The map showing capacity-utilisation levels is a part of this Network Statement enclosed as **Annex 4.7**.

5 SERVICES

5.1 Introduction

DB Netz AG offers the AP or the involved RU mandatory services, additional services and ancillary services.

5.2 Mandatory services

The mandatory services of DB Netz AG are as follows:

- processing applications for the allocation of train paths in the sense of Art. 2 (1) EIBV
- granting the use of allocated train paths in the sense of Art. 2 (1) EIBV and facilities for the supply of traction current where operated by DB Netz AG
- operation of the command/control systems required for train movement, coordination of train movement and provision of information on train movements
- arranging for pilot services or route familiarisation services (actual provision of these services is not part of the mandatory services), whereby DB Netz AG assumes the costs for initially arranging for pilot/route familiarisation services,
- provision of all further information needed to run traffic for which capacity has been allocated (in particular timetable documents) and which do not come under additional services). The manner and way in which information is provided is stipulated separately.

The exact scope of usage in time and place results from the respective ENV.

5.3 Additional services

Together with the mandatory services, DB Netz AG also offers the following additional services:

5.3.1 Stabling on railway lines outside allocated train paths

Stabling on railway lines outside allocated train paths in the sense of Art. 2 (1) EIBV for a period of more than 60 minutes is a fee-paying additional service by DB Netz AG. Stabling is possible if not contradicted by any other claim to train path usage.

5.3.2 Amendments after sending the train path offer

Amendments to train paths initiated by the AP or involved RU after receiving the train path offer belong to the additional services provided by DB Netz AG.

This is then a fee-paying additional service pursuant to Section 6.3.2 Network Statement if the amendment entails a new/redesign.

The following amendments always result in a new/redesign:

- Changes in itinerary while keeping the same point of departure and point of arrival
- Adjustments in the timing of a train path without changing the day of service.

The following cases are not amendments of train paths in accordance with this Section:

- Reduced itineraries with changed point of departure and/or point of arrival of a train path
- Cancellation of a train path or part of a train path on one or several days of service
- Changing a train path product to a lower cost train path product.

These cases are governed by the cancellation conditions pursuant to Section 6.2.5.4 Network Statement.

5.3.3 Movements outside line operating hours

Providing staffing going over and beyond existing line operating hours pursuant to Section 3.5.5 Network Statement is a fee-paying additional service of DB Netz AG.

5.3.4 Feasibility study aT

Compilation of a feasibility study aT pursuant to Sections 2.5 and 4.7.1 Network Statement is a fee-paying additional service of DB Netz AG.

5.3.5 Additional equipment on railway lines

Additional equipment on railway lines managed by DB Netz AG is a fee-paying additional service of DB Netz AG.

This includes the following additional equipment:

- Compressed air pillars
- Boarding ramps
- Power feeder pillars
- Water filling pillars
- Traction unit storage sidings with containment/matting system
- Traction unit storage sidings with containment system
- Train pre-heating unit 50 Hz
- Train pre-heating unit 16.7 Hz.

The use of such equipment is permitted if not contradicted by any other usage claim.

5.4 Ancillary services

DB Netz AG offers the following ancillary services based on separately concluded agreements:

- GSM-R based communication for RUs (GSM-R),
- Operating schedule studies,
- Dispatcher workstations,
- Railway maps,
- Timetable studies,
- Running time calculations,
- Printed timetable books and speed restriction lists,
- LeiDis-NK²,
- LiveMaps,
- Data acquisition licences,
- Statistics,
- Train path diagrams and
- Train path studies.

Product information and master agreements are published on the internet at:

www.dbnetze.com/nebenleistungen

These are not part of the Network Statement.

More information is available through the Regional Units:

www.dbnetze.com/kontakte

² DB Netz AG provides RUs that have submitted train path applications to DB Netz AG and that are involved in operational business with the first user account for the LeiDis-NK base version free of charge.

6 CHARGING PRINCIPLES

6.1 Introduction

Chapter 6 of the Network Statement regulates the charging principles for mandatory, additional and ancillary services. The concrete charges are named in the respective List of Charges for train paths of DB Netz AG.

The charging principles apply in conjunction with the List of Charges for train paths of DB Netz AG. The respective List of Charges for train paths of DB Netz AG is not part of the Network Statement. The List of Charges for train paths of DB Netz AG valid for the particular timetable period is published on the internet pursuant to the deadline provisions stipulated in Article 21 (7) EIBV at:

www.dbnetze.com/trassenpreise

6.2 Train path pricing system

All mandatory services featured in Section 5.2 Network Statement are featured in the train path price. The train path prices are calculated in the same manner for every AP and involved RU.

6.2.1 Charging principles for mandatory services

The charge per train path kilometre depends on the following influencing variables, with the concrete amount resulting from the respective List of Charges for train paths of DB Netz AG:

- Usage-based components pursuant to Section 6.2.2 Network Statement
- Performance-based components pursuant to Section 6.2.3 Network Statement
- Noise-based components pursuant to Section 6.2.4 Network Statement
- Other charge components pursuant to Section 6.2.5 Network Statement

Basic formula for calculating train path price

Line category base price x train path product factor = train path price per train path kilometre

Plus the relevant performance-based, noise-based or other charge components in accordance with the charging principles in the Network Statement and the respective List of Charges for train paths, additional and ancillary services.

6.2.2 Usage-based component

The usage-based charge component is determined by the train path product and the route category.

6.2.2.1 Route categories

The rail network of DB Netz AG is categorised according to the specific, cost-effective infrastructure features and the traffic significance of the individual lines. There are altogether 12 route categories for calculating the basic price of the train path charge, classified according to the following criteria:

Fplus: Category Fplus lines can be worked for the most part at speeds of more than 280 km/h on account of their infrastructure features. They are intended primarily for high-speed traffic and have above-average traffic significance.

F1: Category F1 lines can be worked primarily at speeds between 200 km/h and 280 km/h on account of their infrastructure features. They are intended primarily for high-speed services or for mixed operations.

- F2: Category F2 lines can be worked primarily at speeds between 160 km/h and 200 km/h on account of their infrastructure features. They are intended primarily for high-speed services or for mixed operations.
- F3: Category F3 lines are mixed operation lines that are worked primarily in the speed range between 100 km/h and 160 km/h.
- F4: Category F4 refers to lines in the speed range between 101 and 160 km/h that are intended primarily for fast inter-city services.
- F5: Category F5 lines are intended primarily for use by slow inter-city services for speeds of up to 120 km/h.
- F6: Category F6 lines can be worked primarily at speeds between 101 and 160 km/h. They are intended primarily for local rail passenger traffic and for connecting a region to a conurbation area.
- Z1: Category Z1 lines can be worked primarily at speeds between 50 km/h and 100 km/h on account of their infrastructure features. They are intended primarily for local rail passenger services.
- Z2: Category Z2 lines can be worked primarily at speeds up to 50 km/h on account of their infrastructure features. They are equipped only with the most basic command/control technology if any at all.
- S1: Category S1 lines can be worked primarily at speeds up to 120 km/h on account of their infrastructure features. They are intended mainly or exclusively for urban rapid transit services.
- S2: Category S2 lines can be worked primarily at speeds up to 120 km/h on account of their infrastructure features. They are intended for all DC-powered urban rapid transit lines in Hamburg.
- S3: Category S3 lines can be worked primarily at speeds up to 120 km/h on account of their infrastructure features. They are intended for all DC-powered urban rapid transit lines in Berlin.

More details are provided in the following table.

Route category		Infrastructure features				
		Vmax range*	No. of tracks*	OHL	CCT	Permanent way/ principles
FP	Long-distance line Fplus	281 - 300 km/h	2	yes (Re 330)	CIR-ELKE II (degraded mode: main/distant signal), future CCT for HST services, train radio	Line layout geared to long-distance passenger rail services, no level crossings, passenger protection systems at platforms, special switch systems for Vmax>200 km/h
F1	Long-distance line F1	201 - 280 km/h	2	yes (Re 250, Re 230 mod)	CIR-ELKE, LZB (degraded mode: main/distant signal), future CCT for HST services, train radio	Line layout geared to long-distance passenger rail services and mixed traffic, no level crossings, passenger warning systems at platforms, special switch systems for Vmax>160 km/h
F2	Long-distance line F2	161 - 200 km/h	2	yes (Re 200)	Main/distant signal, LZB future CCT for HST services, train radio	Line layout geared to long-distance passenger rail services and mixed traffic, no level crossings, passenger warning systems at platforms, special switch

						systems for Vmax>160 km/h
F3	Long-distance line F3	101 - 160 km/h	1 or 2	(Re 100, Re 160, Re 200)	Main/distant signal (LZB; CIR-ELKE), train radio	Line layout geared to mixed traffic, block arrangement for tighter headways, large number of passing opportunities
F4	Long-distance line F4	101 - 160 km/h	2	(Re 100, Re 160, Re 200)	Main/distant signal, train radio	Line layout geared to long-distance passenger rail services
F5	Long-distance line F5	up to 160 km/h (higher Vmax possible)	1 or 2	(Re 100, Re 160, Re 200)	Main/distant signal, train radio	Line layout geared to rail freight traffic
F6	Long-distance line F6	101 - 160 km/h	1 or 2	(Re 100, Re 160, Re 200)	Main/distant signal, train radio	Line layout geared to local passenger rail services, level crossings
Z1	Feeder line Z1	51 - 100 km/h	1	(Re 100)	Main/distant signal, signal-based train control (train radio)	Line layout geared to local passenger rail services, level crossings
Z2	Feeder line Z2	to 50 km/h	1	(Re 100)	none, simplified forms of operation	Line layout geared to most basic requirements
S1	Urban rapid transit line S1	to 120 km/h	2	yes	Main/distant signal, train radio	Line layout geared to urban rapid transit services
S2	Urban rapid transit line S2	to 120 km/h	2	D.C.	Main/distant signal, train radio	Line layout geared to urban rapid transit services
S3	Urban rapid transit line S3	to 120 km/h	2	D.C.	Signal link, train radio	Line layout geared to urban rapid transit services

*predominantly

6.2.2.2 Train path products

A multiplier product factor is used in the train path price to take account of the usage-based component. Together with the costs caused by customer requirements, each train path product also takes account of the impact of the charges on the competitiveness of the AP and involved RU.

DB Netz AG offers the following products:

a) Passenger service train paths

■ Express passenger service train paths

Express passenger service train paths facilitate the fastest, most direct link between major conurbations in both long-distance and local passenger transport together with express cross-border services. Express paths can be dovetailed into existing regular-interval services by means of their departure and arrival times, or else form a separate regular-interval express-service system. In the management of running operations, they are given highest priority over all trains apart from urgent rescue and emergency trains. The Express passenger service train paths train path product can only be ordered for the whole route from departure station to destination station.

■ Regular-interval passenger service train paths

Regular-interval services generally involve at least four pairs of trains a day whose itineraries coincide for most of the route (more than 50%) and/or which are interlinked by means of operating schedules to form a regular-interval system and are thus integrated into the network. The services have identical or alternating stopping patterns.

The regular-interval train paths are also divided into those for long-distance and those for local services:

- Regular-interval local passenger service train paths encompass all local traffic paths including urban rapid transit paths, interlinked by means of regular intervals and connecting services.
- Regular-interval long-distance passenger service train paths encompass all long-distance traffic paths interlinked by means of regular intervals and connecting services. In principle, this also includes train paths for high-speed traffic unless special requirements apply to the planning of these train paths.

Regular-interval systems with express train products do not come under the definition for regular-interval train paths; instead, these are regarded as express paths.

- Economy passenger service train paths

The economy passenger service train path is a train path for both local and long-distance passenger traffic not covered by a regular-interval system.

b) Freight train paths

- Express freight train paths

Express freight train paths facilitate the fastest and most direct freight service links between the principle centres in Germany, operated on a high standard of reliability. In the management of running operations, the express freight train path is given highest priority over all trains apart from urgent rescue and emergency trains and trains running on express passenger service train paths. The Express freight train paths train path product can only be ordered for the whole route from departure station to destination station.

- Standard freight train paths

The standard freight train path is available for all freight trains. Standard freight train paths are usually interlinked by means of connecting services or are subject to special restrictions, such as fixed times of arrival at the consignee's destination.

- LZ (light running) freight train path

The LZ (light-running) train path allows freight customers to work locomotives and traction units for resource-deployment purposes.

- Freight feeder train path

The freight feeder train path is used for the conveyance of loaded and empty wagons in single-wagon operations. The freight feeder train path must be used in direct conjunction with the use of a standard or express freight train path and must not be longer than 75 km.

The conveyed wagons must be collected or distributed to different stations and/or junctions in train journey operations, and a coherent concept must be submitted for the affected region.

6.2.3 Performance-based component

The performance-based component offers incentives in order to reduce disruptions and enhance the efficiency of the route network.

6.2.3.1 System of incentives to reduce disruptions

A performance-based component is factored into the charges for using train paths so as to provide RUs and DB Netz AG alike with incentives to minimise disruptions and enhance the efficiency of the route network (incentives system). In Sections 6.2.3.1 to 6.2.3.1.4, "RU" stands for AP and involved RU.

The incentives system consists of the

- recording model
- data model and the
- settlement model.

The **recording model** stipulates how additional delay minutes are recorded with corresponding allocation to codes.

The **data model** stipulates how to use the codes to derive the quantity of incentive-relevant additional delay minutes from the total quantity of additional delay minutes (broken down into the respective responsibilities of DB Netz AG and RU). The data model also stipulates that settlement of the incentive-relevant delay minutes can only be taken into account on failure to achieve certain punctuality objectives related to the particular form of traffic.

The **settlement model** is used to derive the flow of payments between DB Netz and the RU from the quantity of incentive-relevant additional delay minutes (broken down into the respective responsibilities).

6.2.3.1.1. Recording model

How it works

The recording model is based on the provisions of Guideline 420.9001. The guideline is an integral part of the Network Statement as **Annex 6.2 Network Statement**. The following sections of the guideline are particularly significant for the incentive system:

- Rules of cooperation (Article 2 of Guideline 420.9001 (Annex 6.2 Network Statement))
- Definitions and measurement concept (Article 3 of Guideline 420.9001 (Annex 6.2 Network Statement))
- Coding principle (Article 4 of Guideline 420.9001 (Annex 6.2 Network Statement))
- Coding process (Article 5 of Guideline 420.9001 (Annex 6.2 Network Statement))
- Correction process (Article 6 of Guideline 420.9001 (Annex 6.2 Network Statement))

Correction procedure

If the RUs deem the codes to be incorrect, in addition to the correction process stated in Article 6 of Guideline 420.9001 (Annex 6.2 Network Statement), they can request recoding of the details in the hourly records. To this end, the form posted on the Internet by DB Netz AG at:

www.dbnetze.com/umkodierungsantrag

must be filled in completely and sent to the mail-in address:

kunas.db.netz@deutschebahn.com

at the latest three days after the RU has received the hourly record, stating "UK (No. of hourly record) in the subject line.

6.2.3.1.2. Data model

How it works

Of all recorded additional delay minutes, the incentive system only uses those whose coding indicates that they can be directly influenced either by DB Netz AG or by the respective RU. Furthermore, only the additional delay minutes of certain trains selected by the RU are relevant. Settlement of the incentive-relevant additional delay minutes only comes into account on failure to achieve certain punctuality objectives related to the particular form of traffic. The punctuality of a train is ascertained according to a threshold quota at the terminus station for freight transport and at the intermediate stations for passenger transport. Intermediate stations for passenger transport are deemed to be all

measurable scheduled stops of the train (arrival) together with the corresponding terminus station.

This means that the following components are significant in the data model:

- Incentive-relevant codes
- Incentive-relevant trains
- Punctuality objectives related to the particular form of traffic
- Threshold quota at the terminus station/intermediate station

Incentive-relevant codes

All direct delays that were given one of the codes in the following table pursuant to the recording model can be influenced directly and are therefore incentive-relevant:

DB Netz AG responsible		RU responsible	
VU	Delay code	VU	Delay code
10	Timetable design (Sales)	50	Stopping time exceeded
12	Scheduling faults	51	RU application
13	Preparation (operations)	52	Loading work
18	DB Netz AG operational staff	53	Irregularities with the load
19	DB Netz AG other operational issues	57	Not reported by RU
20	Catenary systems	58	RU's traffic staff
21	Telecommunications systems	60	Block/deployment planning
22	Structures	62	Passenger coach
23	Track	63	Freight wagons
24	Level crossing safety systems	64	Traction unit
25	Command/control system	68	RU technical staff
28	DB Netz AG technical staff		
29	DB Netz AG other technical issues		
30	Temporary speed restriction for repairs		
31	Engineering works		
32	Irregularities in engineering works		

The causes of delay (VU) named in this list are described in greater detail in Guideline 420.9001A02 (Annex 6.2 Network Statement).

Incentive-relevant trains

In the period between concluding the ENV for the respective working timetable (Section 4.2.1.3 in conjunction with Section 2.1 GTCURI (Annex 1.6 Network Statement) and 30

September of every year, the APs choose the train numbers of those trains that are to be included in the incentive system, with at least 20% referring to train paths allocated in the framework of the working timetable. The incentive system does not cover trains running in occasional traffic, trains of the DC urban rapid transit systems in Hamburg and Berlin, and trains that need a special timetable design because of the specific line conditions (e.g. train control operations).

The selection of trains is to be sent to the responsible Sales team in an Excel file (in the format specified by DB Netz AG as announced in customer letters) within the abovementioned period.

Punctuality objectives related to the particular form of traffic

The punctuality objectives related to the particular form of traffic in the incentive system for 2016 are as follows:

- Long-distance passenger traffic 81.5%
- Local passenger traffic 93.5%
- Freight traffic 80.0%

Punctuality is ascertained by the day, week and year for the incentive-relevant trains of every RU at the terminus stations of the trains and at the intermediate stations for passenger traffic:

Punctuality formula for the particular forms of traffic	
Freight traffic	$\text{Punctuality as \% x 100} \times \left[\frac{\text{Number of RU's punctual incentive-relevant trains}}{\text{Total number of RU's incentive-relevant trains}} \right]$
Passenger traffic	$\text{Punctuality as \% x 100} \times \left[\frac{\text{Punctual intermediate stops of RU's incentive-relevant trains}}{\text{Total number of intermediate stops of RU's incentive-relevant trains}} \right]$

For the calculation of punctuality (daily, weekly, annual evidence) incentive-relevant trains can be grouped into different basic entities. In the "Train list" Excel file, the RUs can group the incentive-relevant trains, for example in local transport by transport operation or in freight transport by product, to create a representative basic entity by which punctuality can be calculated.

On days on which the RU's calculated punctuality value falls below the specific punctuality objective, the incentive-relevant additional delay minutes of all unpunctual trains are transferred to an additional delay minutes account for the respective RU or DB Netz AG, depending on the responsibility for settlement of any possible payments from the incentive system.

Threshold quotas at the terminus/intermediate station

The punctuality of a train is assessed according to threshold quotas related to the particular form of traffic. A train is deemed to be unpunctual in the following situations:

- on arriving >5'59 minutes late at at least one intermediate station in long-distance and local passenger traffic
and
- on arriving >30'59 minutes late at the terminus station in freight traffic.

6.2.3.1.3. Settlement model

How it works

An annual statement of account is drawn up on the basis of the previously recorded punctuality values and the incentive-relevant additional delay minutes. However, payment

is only made under the incentive system on failure to reach the annual punctuality objective following deduction of a certain tolerance margin. In addition, an upper ceiling applies to the total number of account-relevant additional delay limits. If payment is made from the incentive system, the amount concerned is obtained by multiplying the account-relevant additional delay minutes by the incentive fee. This means that the following components are significant in the settlement model:

- Annual punctuality objective and tolerance margin
- Ceiling
- Account-relevant additional delay minutes
- Incentive fee.

Annual punctuality objective and tolerance margin

Payment is only made under the incentive system if the RU fails to reach the annual punctuality objective for the selected basic entities following deduction of a certain tolerance margin. The tolerance margin is applied to compensate for unpunctuality resulting from unforeseen circumstances.

Ceiling

The incentive system accounts for altogether max. 10 million additional delay minutes per year referred to those participating in the incentive system.

Reaching the ceiling is ascertained at the end of the year by adding up the total additional delay minute accounts of the RU and DB Netz AG. If the total amount of additional delay minutes exceeds 10 million, the additional delay minutes each for RU and DB Netz AG are multiplied by the following ceiling factor:

$$\text{Ceiling factor} = \frac{10 \text{ million}}{\text{Total number of account-relevant delay minutes}}$$

The ceiling factor ensures that it is possible for all those involved to calculate the financial effects of the incentive system.

Account-relevant additional delay minutes

All additional delay minutes (possibly adjusted by the ceiling factor) are relevant to the accounting process that have been accumulated in the additional delay minutes accounts of the RU and DB Netz AG as described in the data model, in other words, all incentive-relevant additional delay minutes of all unpunctual trains on days on which the punctuality objectives related to the particular form of traffic were not achieved.

Incentive charge

The incentive charge amounts to 10 cents per account-relevant additional delay minute. The corresponding payments to or from DB Netz AG are balanced.

Imputing reduced charges for non-contractual condition pursuant to 6.2.5.7

Any reduction in charges as per Section 6.2.5.7 Network Statement is imputed to payment of fees from the incentive system if the specific reduction and incentive system payments refer to the same cause of delay.

6.2.3.1.4. Information transfer

Information about the incentive system is made available to the RU with the following documents:

Document	Content	Format/transfer
Hourly record	<ul style="list-style-type: none"> ■ Responsible control centre ■ Date ■ Train number 	Excel format by e-mail, once a day at 2 a.m. for the previous day

Document	Content	Format/transfer
	<ul style="list-style-type: none"> ▪ Actual time ▪ Operating control point as per Guideline 100 ▪ Code for additional delay minutes 	
Daily record	<ul style="list-style-type: none"> ▪ Degree of punctuality ▪ Unpunctual trains with final delays ▪ Incentive-relevant additional delay minutes of the unpunctual trains (shown as individual amounts and totals) 	Excel format by e-mail, once a day on the next day but two
Weekly record Account-relevant document	<ul style="list-style-type: none"> ▪ Degree of punctuality (current week and previous weeks) ▪ Unpunctual trains on days that did not reach the punctuality objective ▪ Incentive-relevant additional delay minutes of unpunctual trains on days that did not reach the annual punctuality objective (shown as individual amounts and totals) 	Excel format by e-mail on the 3rd working day of the next week but one
Annual record Account-relevant document	<ul style="list-style-type: none"> ▪ Degree of punctuality ▪ Total amount of account-relevant additional delay minutes 	Excel format by e-mail in the 3rd week of the next year

6.2.3.2 Incentives to enhance performance capability

The following components create incentives to enhance the performance capability of the rail network pursuant to Article 21 (1) EIBV:

Train-related non-compliance with the minimum speed

One means of creating an incentive to enhance the performance capability of the rail network involves increasing the train path charge if a minimum speed of 50 km/h is not achieved because of the train design, thus resulting in significantly greater capacity needs. This ruling applies to all long-distance and urban rapid transit line categories. The level of the surcharge is stated in the respective List of Charges for train paths of DB Netz AG.

6.2.4 Noise-related component

a) Description of the noise-related component and its effect as an incentive

Since 1 June 2013, the train path charge for freight traffic has included a charge component to take account of the noise-related impact of train operation (LaTPS/NDTAC).

The noise-related impact is taken into account in that "noisy" freight trains, i.e. all freight trains in the sense of Section 6.2.2.2 b) with the exception of trains on the LZ (light-running) freight train paths, must pay a surcharge in addition to the train path charge. This enables the noise impact of each train run to be taken into account in charges. No explicit wagon-related calculation is carried out, as ultimately the configuration of the entire train rake determines the noise impact.

The proceeds generated by this charge component and any interest earned on them, minus administration costs incurred, are used in their entirety to offer railway undertakings a noise-related bonus to encourage them to use freight wagons that have been retrofitted with noise-reducing technologies since 9 December 2012 and therefore make an additional contribution to the status quo. Noise-reducing technologies are those that permanently comply with the limiting values set out in the Technical Specification for Interoperability (TSI) Noise (2006/66/EC from 23 June 2006). Bonuses are paid for individual freight wagons that have been retrofitted since 9 December 2012, as the explicit objective is to promote retrofitting and the use of individual freight wagons. The railway undertakings previously had no incentive to use wagons upgraded in such a way because the wagon keepers chose not to carry out retrofitting for financial reasons or because the economically efficient use of retrofitted wagons was not possible due to a lack of incentives. The payment of a bonus to the RUs is intended to put the RUs in a position to bear the wagon hire charges that are higher when additional costs for retrofitting are added. RUs can also be eligible for additional incentives in the international use of the wagons, as in other European countries bonuses are also paid to RUs. The level of these bonuses is calculated in such a way that the additional costs for retrofitting incurred by the wagon keepers and the additional costs resulting from these are borne by the RUs and that the RUs are compensated for this. This incentive is intended to ensure that by 2020 retrofitting is undertaken to the largest extent possible for the wagons employed on DB Netz AG's rail infrastructure.

b) Levying the surcharge for the noise-related component

aa) Determining the amount of the noise-related component

When the surcharge amount for the noise-related charge component for "noisy" freight trains is being determined, the funds required for paying the bonuses until the end of the LaTPS (NDTAC) funding period in 2020 are relevant. If income from the noise-related component of the train path charges is not used for bonus payments in the year it is received, interest is paid on it by DB Netz AG. The interest burden on DB Netz AG from payments made that exceed income from the surcharge is taken into account. In the same way, the administration costs charged by DB Netz AG are accounted for and offset against income.

When the bonus level is being calculated, the additional costs for retrofitting that remain after funding is granted by the Federal Ministry of Transport, Building and Urban Development (BMVBS) to the wagon keepers to partially cover retrofitting costs in the freight transport sector and the specific use of the bonus by the RUs are relevant. The level of the annual bonus claimed by the RUs is based on five influencing factors (number of freight wagons eligible for the bonus, proportional average additional costs for retrofitting with noise-reducing technologies [reference brake blocks: LL blocks], number of axles, probable mileage on DB Netz AG's infrastructure in the scope of the AEG, mileage defined for recouping the proportional additional costs for retrofitting).

The average additional costs for retrofitting with noise-reducing technologies (EUR 1,688 per 4-axle reference wagon) were agreed with the Federal Ministry of Transport, Building and Urban Development and are based on the additional costs for retrofitting vis-à-vis replacement of a wagon equipped with cast-iron brake blocks. The value amounting to a total of EUR 422 per axle (EUR 1,688 / 4) is based on the findings of the "Leiser Rhein" (Quiet Rhine) pilot project run as part of various research activities.

When the surcharge is being determined, the mileage of the freight transports in total and the mileage of the train rakes that permanently comply with the requirements of the TSI Noise are relevant, as are future pricing developments. Sources of data for this are the latest scientific information and in particular the findings of the "Leiser Rhein" (Quiet Rhine) pilot project and market development forecasts drawn up by DB Netz AG.

The surcharge rate for the noise-related component is determined on the basis of these influencing factors. The specific amount of the surcharge for the noise-related component is published in the valid List of Charges.

The bonus level per axle-kilometre is 0.5 cents. DB Netz AG reserves the right to change the amount of the surcharge and the level of the bonuses for the noise-related component during the LaTPS (NDTAC) funding period pursuant to c) below. This may be necessary if the influencing factors mentioned above change.

bb) Applying the surcharge for the noise-related component

The surcharge determined in aa) above is applied for all freight trains, with the exception of trains on the LZ (light-running) freight train paths and train rakes in which at least 90% of the freight wagons permanently comply with the requirements of the TSI Noise. DB Netz AG will raise this percentage-based amount that leads to exemption from levying of the noise-related surcharge to 100% well before the end of the LaTPS (NDTAC) funding period.

If train rakes that permanently comply with the requirements of the TSI Noise are to be exempted from the levying of the noise-related surcharge, the RUs must provide DB Netz AG with evidence of the composition of the train rake, in a format specified by DB Netz AG. The evidence must be sent to the following DB Netz AG e-mail address for the affected train numbers and days of service by the first working day of the month following the run (deadline unless use is made of the option offered in the general complaint procedure pursuant to Section 4.4 GTCURI, **Annex 1.6 Network Statement**):

leise.latps@deutschebahn.com.

DB Netz AG is entitled to verify the evidence provided by means of actual or technical random samples. If no evidence is provided, the noise-related charge component will be billed for the affected train path. Subsequent correction is possible within the context of the complaint procedure pursuant to Section 4.4 GTCURI, **Annex 1.6 Network Statement 2016**.

Account will only be taken of evidence that conforms to the template in **Annex 6.2.4 Network Statement**.

This is available as an Excel file on the internet:

www.dbnetze.com/latps

If, during verification by means of random samples, incorrect data is identified, DB Netz AG reserves the right to carry out a more in-depth inspection or a full inspection of the evidence. Train paths that are billed incorrectly due to incorrect data having been provided are penalised in that the double surcharge for the noise-related component is billed.

cc) Granting the bonus payment for the noise-related component

Bonuses are granted to authorised parties or involved RUs that apply for these bonuses from DB Netz AG and that use freight wagons retrofitted with noise-reducing technologies to replace cast-iron brake blocks since 9 December 2012 that permanently comply with the limiting values set out in the TSI Noise.

Freight wagons for which retrofitting was federally funded as part of the "Leiser Rhein" (Quiet Rhine) pilot project are excluded from bonus payments.

DB Netz AG calculates the annual bonus payment per wagon and AP or involved RU. The basis for the bonus level to be paid is the number axles per retrofitted freight wagon, the mileage in the relevant working timetable year on DB Netz AG's infrastructure in the scope of the AEG and the bonus level per axle-kilometre. The bonus level is limited to

EUR 211 per wagon axle (50% of the average additional costs for retrofitting amounting to EUR 422 per axle, as described in b) aa) above).

The bonus claim is generally calculated according to the following formula:

Calculation per wagon:

$$\text{number of axles} - X \Rightarrow \text{mileage} - X \Rightarrow \text{bonus level} = \text{bonus payment}$$

In the event that several APs or involved RUs apply for a bonus for the same wagons for a working timetable period and the highest funding amount of EUR 211 per axle is reached in this period, the bonus payment is apportioned to the RUs according to the annual mileage they achieve.

Bonus payment per RU:

$$\text{remaining payment per wagon} - X \Rightarrow \text{bonus per RU} - / \Rightarrow \text{total claim of all RUs} = \text{bonus payment}$$

Where the requirements set out in the Network Statement for a bonus being granted are not fulfilled, the claim to a bonus payment is no longer valid. In this case, the AP or the involved RU pays back the bonus it claimed for the affected wagons. Interest is charged on these recoveries at 8 percentage points above the respective basic rate of interest pursuant to Article 247 German Civil Code (BGB) from the time of payment.

dd) Registering for and verification of bonuses

With the introduction of the LaTPS (NDTAC) funding programme, DB Netz AG set up a retrofit register in which the retrofit status of freight wagons can be documented.

To use the retrofit register and obtain incentive payments it is necessary to complete an initial registration. To do so, the AP or involved RU fills out the form available at www.dbnetze.com/latps and sends it to DB Netz AG at the e-mail address latps@deutschebahn.com.

Further registration steps are completed and declarations submitted in the electronic retrofit register (web-based retrofit database) at:

<https://latps-evu.dbnetze.com>.

User data

DB Netz AG provides the applicant AP or involved RU with access data via e-mail to the specified e-mail address. The AP or involved RU enters the details listed below in the retrofit register (web-based retrofit database), thereby releasing them for use. The following details must be provided there:

- name and address of the AP or involved RU,
- LaTPS identifier (freely selected 8-digit number) of the AP or involved RU,
- bank details (account number, bank code, bank name, IBAN) for transfer of the incentive payment,
- e-mail address of the AP or involved RU for official contact.

Wagon administration

After the initial registration, the mileage of the retrofitted wagons is entered as the basis for obtaining incentive payments. The retrofit status of the freight wagons is documented in the retrofit register. In order to obtain incentive payments, the AP or involved RU must,

on a basis of self-declaration, provide DB Netz AG when requested with evidence of the retrofit status and of the retrofit date for the freight wagons it uses. To do so, it provides in an electronically readable format the documentation from the wagon keeper, in which the retrofit status and the retrofit date must be evident.

The AP or involved RU provides DB Netz AG with confirmation that the retrofitted wagons permanently comply with the limiting values set out in the TSI Noise (2006/66/EC from 23 June 2006). Individual proof of efficacy is not necessary if generally binding documentation exists for the type of noise-reducing brake technology in question. DB Netz AG shall publish a list of the technologies for which it has generally binding proof of efficacy on the following website: www.dbnetze.com/latps.

In addition, the AP or involved RU enters the following information:

- wagon number,
- brake system,
- number of axles.

DB Netz AG is entitled to verify the evidence provided by means of actual or technical random samples. If, during verification by means of random samples, incorrect data is identified, DB Netz AG reserves the right to inspect a larger range of random samples or carry out a full inspection. Bonuses that have been paid in error due to incorrect data having been provided are to be paid back at DB Netz AG's request with interest and without delay.

Declarations are submitted in the electronic retrofit register (web-based retrofit database) at:

<https://latps-evu.dbnetze.com>

Mileage administration

In order to obtain bonus payments, the AP or involved RU can, on a basis of self-declaration, provide DB Netz AG with evidence of the annual mileage of the freight wagons it uses. To do so, it declares the mileage achieved by the freight wagons in traction in the working timetable period; in the year of retrofitting only the mileage achieved after the retrofit date is relevant.

DB Netz AG is entitled to verify the evidence provided by means of actual or technical random samples. The applicant AP or the involved RU provides DB Netz AG with evidence of mileage by means of GCU documentation within one month of being requested to do so. Declarations are submitted in the electronic retrofit register (web-based retrofit database) at:

<https://latps-evu.dbnetze.com>

If mileage for the wagon is not fully proven, the applicant AP or the involved RU does not receive the bonus for the wagon for the working timetable period. If, during verification by means of random samples, incorrect data is identified, DB Netz AG reserves the right to inspect a larger range of random samples or carry out a full inspection.

The data that is to be submitted in the retrofit register by the AP or involved RU must be complete by 31 May of the year following the working timetable period relevant for billing (deadline). If the data is submitted later than this deadline the applicant AP's or involved RU's claim to a bonus for this wagon is no longer valid for the relevant working timetable period. The incentive granted for the wagons covered by the application is paid by 30 September of the year following the working timetable period relevant for billing. In the event that the application made by an AP or involved RU for a bonus is rejected, DB Netz AG informs the party within 14 days of the rejection decision being taken by e-mail to the address specified in the retrofit register.

c) Length of funding period

The length of the LaTPS (NDTAC) funding period is eight years.

In the event that no sector-specific regulation is put in place by third parties by the end of the LaTPS (NDTAC) funding period in December 2020 that considerably increases the cost or limits the use of non-retrofitted freight wagons, DB Netz AG shall stipulate the appropriate follow-up measures in the Network Statement.

Under current planning, monetary measures would involve charges being levied comprehensively for all external effects in rail noise. According to current scientific thinking, this means that the use of non-retrofitted freight wagons is expected to become considerably more expensive. This could lead to as much as a doubling of train path charges for the affected freight trains. Current planning suggests that measures to limit the use of non-retrofitted freight wagons would include, among other things, speed reductions in areas particularly affected by rail noise. In addition, DB Netz AG anticipates that further incentives for retrofitting will be introduced by means of regulation that exists or is planned in neighbouring infrastructures and the bonus systems for noise-reduced freight wagons that already exist or are planned in these infrastructures.

6.2.5 Other charge components

6.2.5.1 Load component

The train path price for rail freight services includes a charge based on a rake gross weight of less than 3,000 tonnes. Additional charges are levied as a load component for trains weighing more than 3,000 t. More information is provided in the respective List of Charges for train paths of DB Netz AG.

6.2.5.2 Optional path

The AP has the option of registering max. 15% (by train path km) of its train paths applied for as optional paths. If more than 15% of train paths applied for are registered as optional paths, the excess will be treated as train paths in ad hoc services. If an optional path is activated, the appropriate train path price is to be paid. If the optional path is only activated partially or not at all, a reservation fee is charged for the portion of the train path that is not activated. The reservation fee depends on how much is charged for the optional path as stipulated in the provisions of the respective List of Charges for train paths of DB Netz AG.

The portion of the optional path that is not activated may be re-advertised by DB Netz AG at short notice.

If a third party applies to use a still unused optional path or the larger portion thereof (by train path km), DB Netz AG gives corresponding notification to the AP that had originally applied for the optional path. The AP that had originally applied for the optional path must give a firm commitment within two working days to use this train path. If this does not happen, the third-party AP shall receive an offer from DB Netz AG according to the respective train path application.

In this case, no reservation fee is charged to the party ordering the optional path. Retrospective cancellation is not possible either when the ordering party has given a firm commitment to accept the train path or when the optional train path has been ceded to a third party.

6.2.5.3 Charge for issuing an offer

The costs involved in processing applications for allocation of train paths and framework agreement capacities are included in the train path charge. This is why a service charge is levied on failure to take up an offered train path or an applied for framework agreement capacity. This does not apply where the customer's objection is justified. The charge for

issuing a train path offer shall not exceed the usage charge for the train paths that have not been taken up.

More information can be found in the respective List of Charges for train paths of DB Netz AG.

6.2.5.4 Cancellation charges

The following are included in cancellations at DB Netz AG for which a cancellation charge is levied:

- Shorter itinerary with changes of where a train path starts and ends
- Cancellation of an ordered train path or partial section of a train path on one or several train running days
- Changing a train path product to a lower cost train path product.

If all running days are cancelled, any rights issuing from the contractual commitment in terms of being awarded the path shall be relinquished.

The minimum cancellation charge is equal to the charge for making an offer. This is joined by a percentage cancellation charge based on when the cancellation is made and on the base price for the cancelled train path or cancelled section of the train path. The cancellation fee shall not exceed the revenue lost through cancellation of the path.

Cancellation charges shall be levied as follows

- Up to 60 days before the day of running to be cancelled:

Minimum cancellation charge equal to the charge for making the train path offer

- Up to 30 days before the day of running to be cancelled:

Minimum cancellation charge equal to the charge for making the train path offer and 10% of the base price for the cancelled train path or cancelled section of the train path

- After 30 days before the day of running to be cancelled and more than 24 hours prior to departure:

Minimum cancellation charge equal to the charge for making the train path offer and 20% of the base price for the cancelled train path or cancelled section of the train path

- Less than 24 hours prior to planned departure:

Minimum cancellation charge equal to the charge for making the train path offer and 40% of the base price for the cancelled train path or cancelled section of the train path.

More information can be found in the respective List of Charges for train paths of DB Netz AG.

6.2.5.5 Charge for disclosure of framework agreements

At the AP's request, DB Netz AG discloses an anonymous version of the main features of the framework agreements concluded on the route or routes being inquired about pursuant to Article 13 (6) EIBV. The main features of a framework agreement include the agreed itinerary, agreed tolerance margin, time situation regarding framework agreement capacity, agreed term and termination time of the framework agreement.

A cost-related charge is levied for every disclosure request. Charging is individual and based on the disclosure request depending on the time involved at an hourly rate together with the personnel and material costs involved in disclosure together with a going rate of return.

More information can be found in the respective List of Charges for train paths of DB Netz AG.

6.2.5.6 Reduction charge for framework agreements

The annual train path kilometre volume specified under a framework agreement may be reduced by a total of 1.5% over the working timetable period. A reduction charge is levied for any greater reduction.

For framework agreements with a term of more than one framework timetable period, the annual train path kilometre volume specified under the framework agreement may be reduced by maximum 0.5% per working timetable period as from the start of the second framework timetable period. A reduction charge is levied for any greater reduction.

The reduction charge amounts to 15% of the sum obtained by multiplying the deviating path kilometre volume and the average path kilometre price resulting for the capacities specified under the framework agreement according to the valid List of Charges for train paths of DB Netz AG.

The reduction charge shall not be levied to the extent to which the AP has contractually agreed additional usage of infrastructure capacity within the working timetable period, instead of the reduced capacity. This shall be set off on the basis of the path kilometres generated within the working timetable period through train paths related to the working timetable and ad hoc service train paths.

The provisions of Section 6.2.5.6 shall apply only for framework agreements concluded before 15 April 2014.

6.2.5.7 Reduced charges for non-contractual condition

6.2.5.7.1.

DB Netz AG provides services pursuant to the provisions of the respective ENV, cf. Section 3 in GTCURI (Annex 1.6 to Network Statement). If the service provided deviates by more than an immaterial extent from the contractually owed service (fault), the payable usage charge shall be reduced as stipulated below.

6.2.5.7.2.

Notwithstanding any reduction demand from the AP, DB Netz AG itself reduces the payable usage charge in the case of the faults listed below if these have resulted in additional delay minutes as per Guideline 420.9001 coded at least in the amount stated in Section 6.2.5.7.3. Network Statement.

a) Faults with the infrastructure:

- VU 22 (structures)
- VU 23 (track)
- VU 30 (temporary speed restriction for repairs)
- VU 31 (engineering work)
- VU 32 (irregularities in engineering work)
- VU 83 (grease film)

b) Faults with the command and control system:

- VU 21 (telecommunication systems)
- VU 24 (level crossing safety systems)
- VU 25 (safety systems)

c) Faults in providing traction current:

- VU 20 (catenary systems)

d) Staff-related faults:

- VU 12 (scheduling faults)
- VU 18 (DB Netz AG operational staff)

6.2.5.7.3.

The minimum number of additional delay minutes named in Section 6.2.5.7.2 Network Statement amounts to 6 minutes for long-distance and local passenger traffic and for express freight train paths, or 31 minutes for all other freight traffic products. Below this limit, the AP's or the involved RU's interest in timely provision of service is essentially warranted.

6.2.5.7.4.

A reduction amount up to max. 50% of the respective train path usage charge is granted for the faults featured in Sections 6.2.5.7.2/6.2.5.7.3 Network Statement, referred to the additional delay minutes and the traffic type or, where express paths are concerned, the affected product. The reduction amount differs according to traffic type to take account of the differing infrastructure usage charges for the traffic types, together with the fact that the impact of a delay minute has a different impact on the interests of the AP or the involved RU, depending on the traffic type.

The concrete amount is stated in the respective List of Charges for train paths of DB Netz AG.

Reduction amounts are taken into consideration in the second invoice as per Section 4 GTCURI (Annex 1.6 Network Statement) following the fault triggering the reduction.

6.2.5.7.5.

Reductions for faults other than those stated in Section 6.2.5.7.2 a) to d) Network Statement are subject to a specific fault report underpinned by the principles stated in Section 6.2.5.7.4 Network Statement. In cases that cannot be rated according to additional delay minutes, the reduction amount is ascertained by taking account of the extent of the fault in terms of suitability for contractual use in each isolated case.

6.2.5.7.6.

Reduction is ruled out for faults that

- a) are not caused by the condition of the track infrastructure, the related command and control systems and the corresponding installations for traction current and
- b) do not impede suitability for contractual use to such a major degree that non-discriminating network access is not hampered pursuant to Article 14 (1) AEG.

6.2.5.8 Charging arrangements for short-term rerouting due to engineering works after concluding the ENV

If engineering works that were not taken into account in the ENV for a specific train path cause a different itinerary from that stated in the ENV (rerouting), only the train path charge featured in the ENV will be invoiced.

This does not apply to train paths where the AP or the involved RU was already aware of the changed itinerary on accepting the train path offer. Here the train path charge shall be billed for the actually worked itinerary.

No train path charge is to be paid for train paths that become necessary in addition on account of engineering works not contained in the ENV. This includes feeder and collection movements to rail replacement services, turning movements resulting from re-

restrictions caused by engineering work, feeder and collection movements to another stabling or refuelling facility than the one normally used, feeder and collection movements for traction units or additional traffic necessary because of changes in train characteristics (e.g. unloading because of lower tonnage rating of a diversion route).

6.2.5.9 Charging arrangements for rail replacement services

No usage charges shall be levied for the train path for as long as the work continues. The costs for the rail replacement services are borne entirely by the AP or involved RU.

6.2.5.10 Charging arrangements for emergency bus services in passenger traffic

The costs of the emergency bus service shall be paid by the party accountable for the temporary non-availability. This accountability results accordingly from the provisions regarding the incentive system for reducing disruptions.

DB Netz AG only covers the costs of the emergency bus service on the basis of going market rates if the cause of temporary non-availability is deemed to be attributable to DB Netz AG. There shall be no imputing of delay minutes pursuant to the incentive system for reducing disruptions (cf. Section 6.2.3.1 Network Statement) or claim to reduced charges for non-contractual condition pursuant to Section 6.2.5.7 Network Statement.

If the cause for temporary non-availability is deemed to be attributable to the AP or the involved RU, the AP or the involved RU shall pay the costs for the emergency bus services.

The same applies in the event that the cause for non-availability cannot be attributed either to DB Netz AG or to an AP or the involved RU.

6.2.5.11 Limited-period discounts to promote usage of low-utilisation lines

DB Netz AG grants limited-period discounts pursuant to Article 23 (2) EIBV on lines with a low level of utilisation. These discounts are intended to offer an incentive to use alternative routes with a low level of utilisation. The list of charges provides an overview of the corresponding sections of infrastructure (where they start and end), the amount of corresponding discounts and the limited time periods in each case.

6.2.5.12 Charging arrangements for pre-designed paths

To promote usage of routes with low-level utilisation, DB Netz AG may target free capacity on such lines by offering pre-designed train paths after the working timetable has been drafted. Pre-designed paths are offered at a discount to the regular usage charge. The discounts are based on Article 23 (2) EIBV. Corresponding details can be found in the respective List of Charges for train paths of DB Netz AG.

6.2.5.13 Discounts to promote new services

To promote the development of new train services, DB Netz AG grants all APs or involved RUs limited-period discounts as a percentage rebate on the regular usage charge for specified sections of line in accordance with Article 23 (2) EIBV, applicable to all APs or involved RUs.

New train services must fulfil the following preconditions:

- Completely new transport services or new services acquired for rail transport in the course of intermodal competition.
- New services with a minimum quantity of 10 train paths per timetable period.
- Written proof of satisfaction of the two above-mentioned preconditions has to be presented to DB Netz AG at the time of application for the train paths.

The following railway lines are not eligible for discounts to promote new train services:

- Railway lines with limited-period discounts for promoting the use of low-level utilisation as per Article 23 (2) EIBV

- Empty and loco-train movements that are not the necessary consequence of a train path for which the discount for promoting new train services is granted.

The discount amounts, sections of line excluded from the discounts and the time limits in each case are stated in the respective List of Charges for train paths of DB Netz AG.

6.2.5.14 Charging for train paths with a delay of 20 hours or more

In the event of a new train path allocation pursuant to Section 3.5.4.1 GTCURI (Annex 1.6 Network Statement), DB Netz AG invoices the AP or the involved RU the train path charge agreed in the original ENV.

The provisions of Sections 6.2.3.1 and 6.2.5.7 Network Statement shall remain unaffected.

6.2.5.15 Test Procedure “Compensation for Additional Train Path Costs for Construction Corridors in the 2016 Working Timetable”

DB Netz AG is continuing the test procedure to compensate additional train path costs on working timetable train paths in freight traffic within selected construction corridors of the 2016 working timetable.

Additional train path costs will be compensated solely within determined construction corridors having a broad impact on train paths of freight traffic (working timetable train paths) applied for and agreed in the 2016 working timetable in accordance with Section 4.2.1 of the Network Statement.

The following criteria defined by DB Netz AG must be met for detection of the construction corridors:

- the duration of the construction corridor is at least 2 months, and
- the length of all working timetable train paths in freight traffic that are affected by the relevant construction corridor is extended by over 50 path kilometres on average during the relevant period, and
- the train path charge of all working timetable train paths in freight traffic that are affected by the relevant construction corridor increase by at least EUR 100 on average during the relevant period.

Construction corridors that exist throughout the entire 2016 working timetable period shall not be taken into account.

Construction corridors in the 2016 working timetable shall be detected when the time interval planning for the 2016 working timetable takes place.

Detected construction corridors in the 2016 working timetable shall be published on the internet on 13 March:

www.dbnetze.com/baukorridore

For the purpose of compensating additional train path costs, solely train paths in freight traffic that are applied for and contractually agreed for the 2016 working timetable will be taken into account. For such train paths the charge that would have been levied for the route under the 2016 working timetable in the absence of construction-related restrictions will be invoiced.

DB Netz AG is preparing a standard procedure for processing compensation for additional train path costs based on the results of the test procedure within the 2013 and 2014 working timetable. The test procedure will be continued until the new standard procedure is implemented (2017 working timetable at the earliest). Information on the outcome of the test procedure within the 2015 working timetable and the plan for introducing the standard procedure will be provided by DB Netz AG on 28 August 2015 on the internet at <http://www.dbnetze.com/baukorridore>.

6.2.6 Miscellaneous

- The List of Charges for train paths of DB Netz AG is published on the internet pursuant to the deadline provisions in Article 21 (7) EIBV at: www.dbnetze.com/trassenpreise
- The List of Charges for train paths of DB Netz AG is not part of the Network Statement.
- In future, route-related costs and specific investment projects can also be taken into account in calculating the charges.

6.3 Additional services

The additional services provided by DB Netz AG include the services featured in Section 5.3 Network Statement. The overview of the additional services is published on the internet at:

www.dbnetze.com/zusatzleistungen

6.3.1 Stabling on railway lines not covered by an allocated train path

When stabling on railway lines pursuant to Section 5.3.1 Network Statement, a charge is levied pursuant to the List of Charges for train paths of DB Netz AG.

Pricing of this additional service is based on the pricing for short-term usage of service facilities.

6.3.2 Changes after sending the train path offer

Changes initiated by the AP or the involved RU after sending the train path offer pursuant to 5.3.2 Network Statement are invoiced with a standard flat-rate charge pursuant to the respective List of Charges for train paths of DB Netz AG.

If several amendments detailed in Section 5.3.2 are notified at the same time, they will be treated and charged as one single request for amendment. The maximum amendment charge corresponds to the charge for use of the train path. No amendment charge will be levied where the amendment results in an increase in the total charge for a train path.

The price for this additional service is based on the average additional staff input incurred by the change, together with a going rate of return.

6.3.3 Movements outside line operating hours

6.3.3.1

The charge levied for movements outside line operating hours is calculated according to the outlay actually incurred by DB Netz AG through these movements, charging for every employee and half-hour or part thereof as detailed in the respective List of Charges for train paths of DB Netz AG. At least three man-hours shall be charged for each shift or part thereof. This refers to those cases where unscheduled signal box staffing cannot be covered by legally permissible extension of a shift that is already in progress. These time surcharges shall be taken into account in calculating the respective charges.

If several APs or involved RUs simultaneously use a line outside the regular line operating hours, the additional charges for staffing the operating facilities shall be shared out equally between the corresponding APs or involved RUs.

6.3.3.2

If it is necessary to extend line operating hours due to rerouting arising from engineering works, no special surcharge is levied. The same applies in the event of any delay for which DB Netz AG is accountable.

If line operating hours have to be extended due to a delay for which the AP or the involved RU is accountable, this shall be governed by the provisions of Sections 5.3.3 and 6.3.3 Network Statement.

The question of accountability is governed by Section 6.2.3.1.2 Network Statement.

6.3.4 Feasibility study aT

A flat-rate charge is levied for drawing up a feasibility study aT for special consignments.

The price for this flat-rate charge is calculated on the basis of the average actually occurred staff input and IT costs for the study and for compilation of the conditions of carriage for the transports together with a going rate of return.

For out-of-gauge transports (with or without heavy load) that infringe the loading gauge over and beyond the outline shown in **Annex 6.3 Network Statement**, including the restriction values of tables 2₁ and 2₃ (UIC Loading Guidelines Section 1), the administrative workload goes beyond the normal workload of a feasibility study aT. For these transports, a workload-related charge is levied in addition to the flat-rate charge. These O.O.G. transports are charged individually according to the specific order on the basis of the staff input at an hourly rate pursuant to the respective List of Charges for train paths of DB Netz AG.

6.3.5 Additional equipment at railway lines

The use of individual equipment at railway lines pursuant to Section 5.3.5 is invoiced individually for each item of additional equipment pursuant to the List of Charges for train paths of DB Netz AG.

The pricing for this additional service is based on the pricing for peripheral facilities in the service facilities.

6.4 Ancillary services

The ancillary services provided by DB Netz AG include the services featured in Section 5.4 Network Statement.

The individual charges result from the respective List of Charges for train paths of DB Netz AG.

This is published on the internet pursuant to the deadline provisions stipulated in the EIBV:

www.dbnetze.com/trassenpreise

The List of Charges for train paths of DB Netz AG is not part of the Network Statement.

Product information and order forms for the individual services are published on the internet at:

www.dbnetze.com/nebenleistungen

These are not part of the Network Statement.

6.4.1 GSM-R based communication for RUs (GSM-R)

DB Netz AG offers APs or involved RUs that have concluded a Basic Agreement IU with DB Netz AG the possibility of using GSM-R for scheduling communication between stationary points and mobile staff. Charging for this information service is based on the rates stipulated in the respective List of Charges for train paths of DB Netz AG.

6.4.2 Operating schedule studies

DB Netz offers to carry out studies of existing or new operating schedules to predefined boundary conditions for APs or involved RUs. Based on data provided by the ordering

party, the study reviews the ordered operating schedule on the basis of currently available timetable and infrastructure details. Charging is on an individual job-by-job basis for staff input at an hourly rate pursuant to the respective List of Charges for train paths of DB Netz AG.

6.4.3 Dispatcher workstations in control centres

Provision of dispatcher workstations is associated with the following concrete services:

Workstation equipment

- Location-specific basic working area furnished according to the control centre with the possibility of connecting up to four monitors
- Power connection
- Possibility of connecting up to an external IT network
- Possibility of connecting up to the landline phone network (DT AG)
- Network lead for connecting up a stationary GSM-R telephone (GeFo)

Shared use

- Day rooms, tea kitchen (or similar)
- Toilet rooms
- Concourses, escape routes, emergency exits
- Lighting, ventilation, heating, firefighting and supply installations

Services for an additional charge

- Modification work for providing the workstation
- New/modification of the operator station, corresponding furniture
- Modification/installation of partitioning
- Planning/work supervision
- Setting up an independent IT/TC infrastructure
- New/modified wiring

In addition to the workstation, the LeiDis-NK premium version product must also be ordered as a fee-charging ancillary service, which is invoiced separately.

The individual services are described in detail in the product description "Dispatcher workstations" and published on the internet at:

www.dbnetze.com/dispositionsarbeitsplaetze

The prices are calculated according to the costs for construction, maintenance, cleaning, energy, staff input, line and capital costs together with a going rate of return. The prices vary according to the particular physical circumstances and equipment in the individual control centres. The monthly charge is comprised of the usage charges for the dispatcher workstation and the LeiDis-NK premium version together with an additional charge for modification work.

Charging is based on the respective List of Charges for train paths of DB Netz AG.

6.4.4 Railway maps

DB Netz AG offers APs or involved RUs a number of railway maps. The current map catalogue is published on the internet together with the prices at:

www.dbnetze.com/bestellformulare

6.4.5 Timetable studies

DB Netz AG offers to carry out timetable studies for APs. A timetable study serves the purpose of assessing the effects of certain infrastructure conditions or the possibility of integrating train path requests into an existing or envisaged train path configuration. Charging is on an individual job-by-job basis for staff input at an hourly rate pursuant to the respective List of Charges for train paths of DB Netz AG.

6.4.6 Running time calculations

DB Netz AG offers to carry out running time calculations for APs. The result of a running time calculation is the pure running time including a recovery margin for a requested route from A to B without taking other traffic into account. However, a running calculation reveals nothing about the capacity for running within the overall train path configuration. Charging is on an individual job-by-job basis for staff input at an hourly rate pursuant to the respective List of Charges for train paths of DB Netz AG.

6.4.7 Printed timetable books and speed restriction lists

DB Netz AG provides APs or involved RUs with printed timetable books and speed restriction lists, at a charge. Factors central to costing the product are computer usage, printing and reproduction costs, staff input and a going rate of return. Charging takes place pursuant to the respective List of Charges for train paths of DB Netz AG.

6.4.8 Network Traffic-Regulation Control System for the Customer

DB Netz AG offers APs or involved RUs the LeiDis-NK information system. LeiDis-NK provides the user with the current operational view of his trains visualised in real time. LeiDis-NK is available as basic or premium version. The difference lies in the range of applications and their respective use. The first user account in the LeiDis-NK base version is available free of charge for APs or involved RUs that have submitted train path applications to DB Netz AG and that are involved in operational business. Additional user accounts and/or use of the LeiDis-NK premium version is charged according to the rates stated in the respective List of Charges for train paths of DB Netz AG.

6.4.9 LiveMaps

DB Netz AG offers APs or involved RUs the DB LiveMaps information system. DB LiveMaps is an application that allows German rail transport operations to be viewed in a real-time, map-based format. The application features a dynamic map (LiveMap) on which all train movements in the German rail network can be seen in real time. APs or involved RUs can use the application to track the positions and movements of their own trains and trains authorised by third parties or trains in local rail passenger transport and long-distance rail passenger transport. The application is accessible on many different platforms (smartphone/tablet apps, web browsers, desktop monitors). The use of DB LiveMaps is billed according to the prices specified in the respective List of Charges for train paths of DB Netz AG.

6.4.10 Data acquisition licence

DB Netz AG offers APs or involved RUs the data acquisition licence. Train movement information is transmitted electronically in real time via a data interface in the form of unitary standardised UIC data telegrams. Procurement of the data acquisition licence gives the customer the right to dock into this interface. Charging for this information service is individual according to the respective List of Charges for train paths of DB Netz AG and is based on the average daily data volume.

6.4.11 Statistics

DB Netz AG offers statistics to APs or involved RUs. The Control System for Process Analysis is used for subsequent evaluation of train movement information available at DB Netz AG with corresponding preparation for the AP or involved RU in the form of statistics for the customer. Charging for this information service is based on the rates defined in the respective List of Charges for train paths of DB Netz AG.

6.4.12 Train path diagrams

DB Netz AG offers APs or involved RUs a graphic representation of the working timetable (including the most recent additions) in the form of train path diagrams. These detail the paths contained in a portion of line in the form of time-distance diagrams and simplify time interval planning for the AP or involved RU. Depending on the scope, a train path diagram can cover several pages. Charging for this information service is based on the

number of pages at a fixed rate per page as defined in the respective List of Charges for train paths of DB Netz AG.

6.4.13 Train path studies

DB Netz AG offers APs that have concluded a Basic Agreement IU with DB Netz AG the possibility of requesting train path studies for a completed working timetable in order to examine the train path possibilities.

The train path study remains reserved for a period of maximum four weeks after being handed over to the train path study applicant. If an application to use the reserved train path is submitted during the reservation period, the train path study applicant is given the possibility of converting his train path study into a binding train path application within a period of three working days. Otherwise, after this the train path study is no longer binding. Charging for this consultancy service for specific train paths is individual and on a job-by-job basis for staff input per hour pursuant to the respective List of Charges for train paths of DB Netz AG. No charges are levied for the train path study if it is converted into a binding train path application within the reservation period.

6.5 Adopted or intended charging amendments

DB Netz AG intends to continue developing the charging principles and charging amounts of the train path pricing system in compliance with the valid deadlines and depending on the prevailing general market conditions.

At the point in time of submitting the Network Statement 2016 to the Federal Network Agency, DB Netz AG still had not adopted any specific resolutions for further development of future charging principles of charging amounts going over and beyond the amendments to the charging principles made in the Network Statement 2016.

During future on-going development of the charging amounts, DB Netz AG shall take due consideration not only of developments in the main cost drivers but also in developments on the transport markets and attaining the appropriate ROI of the infrastructure manager as addressed in Article 14 (4) AEG. In the period between 2011 and 2015, DB Netz AG increased the train path prices on average by 2.5% p.a. The increase in train path prices can have different implications depending on the mode of transport.

6.6 Conditions of payment

The provisions of Sections 4 to 7 GTCURI apply (Annex 1.6 Network Statement).

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