



# Network Statement

Valid from 11/12/2022 to 09/12/2023

Version of 22/03/2023

**INFRABEL**



## Version control

Version	Date	Adaptations <i>(More details can be found in the document “Network Statement – Modifications”, which is available on the website <a href="http://www.infrabel.be">www.infrabel.be</a>)</i>
1	10/12/2021	First version
2	01/02/2022	Second version The modifications mainly concern: <ul style="list-style-type: none"> <li>– Points 3.2.1.2, 4.8.1.4 and 6.3.1: adaptation of the principles concerning the non-railway applicants, namely following the advice A-2021-02-S of the Regulatory Service of 9 March 2021 available on <a href="https://www.regul.be/en/advice-a-2021-02-s-capacity-agreement/">https://www.regul.be/en/advice-a-2021-02-s-capacity-agreement/</a>.</li> </ul>
3	10/03/2022	Third version The changes mainly concern: <ul style="list-style-type: none"> <li>– Points 1.6.3 and 1.6.5: adaptation of contact persons and contact details</li> <li>– Point 5.1.3: new point on the processing times for access requests to the services provided by Infrabel, following Decision D-2021-04-S of the Regulatory Body available on <a href="https://www.regul.be/wp-content/uploads/2021/12/D-2021-04-S-reasonable-time-limit.pdf">https://www.regul.be/wp-content/uploads/2021/12/D-2021-04-S-reasonable-time-limit.pdf</a> + clarifications made to points 5.4.1 and 5.4.2.</li> </ul>
4	29/07/2022	Fourth version The changes mainly concern point 7.3.4 "Marshalling yards and train formation facilities", which incorporates the new principles of the Your Facilities service, valid from the 2023 timetable.
5	29/09/2022	Fifth version The modifications mainly concern point 1.6.7: <ul style="list-style-type: none"> <li>• new e-mail address for RFC North Sea-Mediterranean</li> <li>• new contact person for RFC North Sea – Baltic.</li> </ul>
6	18/11/2022	Sixth version Chapter 5: addition of a text on the reduction mechanism for the user charge for rail freight transport organising the modal shift – covering the period from 1 January 2022 to 31 December 2025 – to give effect to the articles 98 to 103 of the programme law of 27 December 2021 and the Royal Decree of 18 October 2022 <i>fixing the coming into force of articles 98 to 102 of the programme law of 27 December 2021.</i>

Version	Date	Adaptations <i>(More details can be found in the document “Network Statement – Modifications”, which is available on the website <a href="http://www.infrabel.be">www.infrabel.be</a>)</i>
7	09/12/2022	Seventh version Harmonisation of the document following the publication of the network statement 2024.
8	15/12/2022	Eighth version The following changes have been made <ul style="list-style-type: none"><li>– Point 1.6.7: adaptation of contact details</li><li>– Points 1.7.1, 3.3.4, 4.3.1.2, 4.9.4 and 6.3.3.2: adaptation of links.</li></ul>
9	09/02/2023	Nineth version The modifications concern: <ul style="list-style-type: none"><li>– Points 1.1, 2.4.2.4, 4.5.5.3 and 7.3.4.6.5: adaptation of certain references following the publication of the Royal Decree of 26 December 2022 <i>approving the performance contract concluded between the State and Infrabel, a public limited company under public law</i>, in the Belgian Gazette of 10 January 2023</li><li>– Points 1.3.1, 1.5.3 and 1.6.6 : adaptation of links</li><li>– Point 4.5: addition of a reference to Commission Implementing Regulation (EU) 2017/2177 of 22 November 2017 <i>on access to service facilities and rail-related services</i> regarding the obligation of cooperation between Infrabel and operators of service facilities</li><li>– Point 5.10.1: adaptation of the amount of the Diabolo passenger fee following the publication of the Royal Decree of 15 January 2023 <i>fixing the amount of the Diabolo passenger fee</i> in the Belgian Gazette of 20 January 2023.</li></ul>
10	22/03/2023	Tenth version The modifications concern: <ul style="list-style-type: none"><li>– Points 1.3.1, 1.4, 1.5.3, 1.6.2, 1.6.6, 1.6.7, 1.7.1, 1.7.2, 2.1, 3.2.4, 3.4.2, 3.4.5, 4.2.1, 4.2.2, 4.5.3, 5.4.3, 5.9.3 and 6.4: adaptation of links</li><li>– Point 1.6.1: adaptation of contact details</li><li>– Point 2.3.13: reintroduction of Appendix C.8 Technology map ETCS 2025.</li></ul>

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# 1. General information

## 1.1 Introduction

Infrabel is a limited liability company under public law. Its mission is set out in a performance contract with the government and consists of public service obligations. Infrabel wishes to contribute to sustainable mobility within the European rail network in order to boost economic and social development in Belgium.

Infrabel has the status of both infrastructure manager and operator of service facilities, as defined in the Railway Codex. Within the context of these two statutes, Infrabel offers its customers, a competitive railway infrastructure, as well as quality services adapted to their needs.

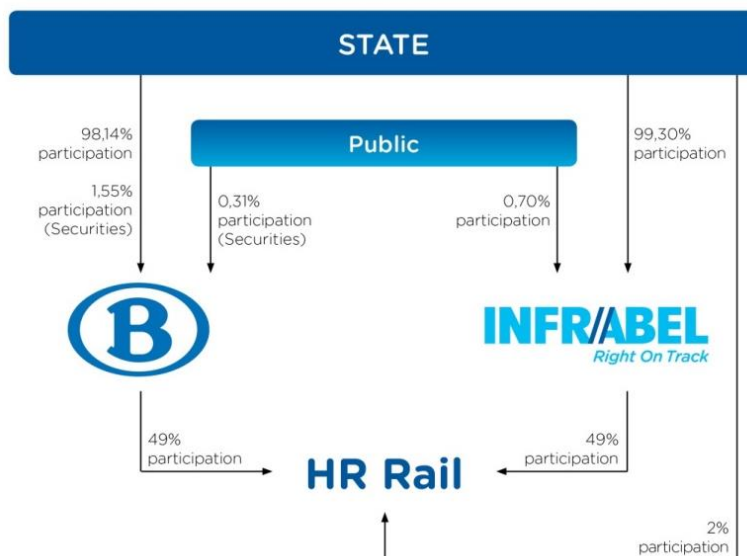
In this document, Infrabel must be considered:

- as infrastructure manager when providing minimum services as defined in point 1 of Appendix 1 to the Railway Codex (see Chapter 5)
- as service facility operator when providing access to and services in the service facilities as referred to in Appendix 1, point 2 of the Railway Codex (see Chapter 7) and when providing supplementary and ancillary services as referred to in Appendix 1, points 3 and 4 of the Railway Codex (see Chapter 5 for the supplementary and ancillary services provided outside a service facility, see Chapter 7 for the services provided inside a service facility).

Appendix F.4 contains a summary table showing the distribution of the various services offered by Infrabel in this document.

In addition to the daily management, maintenance, and further development of this infrastructure, Infrabel is also responsible for the control and the safety of all train traffic.

The position of Infrabel in the Belgian railway sector is shown by the organisation chart below.



## 1.2 Purpose of the network statement

The network statement's objective is to inform applicants (definition see appendix A.1), the authorities or other interested parties about the network, the general rules for its use and the terms and conditions governing the charging and allocation of railway infrastructure capacity (Including the submission of capacity requests).

The Law of 30 August 2013 *on the Railway Codex* requires the infrastructure manager to draw up and publish the network statement. This document has been drawn up in accordance with Articles 20 to 22 and Appendix 2 of the Railway Codex. The infrastructure manager must also consult the regulatory body, applicants and railway undertakings operating on the network prior to the publication of the network statement.

The network statement describes the services offered by Infrabel as infrastructure manager or operator of service facilities, as well as by the other operators of service facilities and service providers, including information on their location, access conditions and costs.

## 1.3 Legal aspects

### 1.3.1 Legal framework

The network statement is based on the following consolidated regulatory texts:

- Regulation (EU) 913/2010 of the European Parliament and of the Council of 22 September 2010 *concerning a European Rail Network for Competitive Freight*
- Regulation (EU) 2016/796 of the European Parliament and of the Council of 11 May 2016 *on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004*
- Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 *on railway safety* (recast)
- Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 *on the interoperability of the rail system within the European Union* (recast)
- Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 *establishing a single European railway area*
- Directive (EU) 2016/2370 of the European Parliament and of the Council of 14 December 2016 *amending Directive 2012/34/EU as regards the opening of the market for domestic passenger transport services by rail and the governance of the railway infrastructure*
- Delegated and implementing acts for the aforementioned Directives (particularly Technical Specifications for Interoperability)
- Law dated 30 August 2013 *concerning the Railway Codex* (hereafter Railway Codex) and the relevant Royal Decrees and ministerial orders
- Various regulations drawn up by Infrabel, UIC, etc.

The table below provides an overview of all the sources the legal framework refers to:

Legal framework	Websites
Regulations, directives and delegated and implementing acts (particularly Technical Specifications for Interoperability (TSI))	European Union law: <a href="https://eur-lex.europa.eu/homepage.html?locale=en">https://eur-lex.europa.eu/homepage.html?locale=en</a>

Legal framework	Websites
Laws, Royal Decrees (RD) and ministerial orders (MO)	Federal Public Service for Mobility and Transport: <a href="https://mobilit.belgium.be/en">https://mobilit.belgium.be/en</a> or Belgian Gazette: <a href="https://justitie.belgium.be/nl/belgisch_staatblad">https://justitie.belgium.be/nl/belgisch staatblad</a>
The Regulation concerning the International Carriage of Dangerous Goods by Rail (RID)	Federal Public Service for Mobility and Transport: <a href="https://mobilit.belgium.be/nl/spoor/professioneel-spoorvervoer/vervoer-van-gevaarlijke-goederen/reglementering-rid">https://mobilit.belgium.be/nl/spoor/professioneel-spoorvervoer/vervoer-van-gevaarlijke-goederen/reglementering-rid</a>
International Union of Railways (UIC) leaflets	International Union of Railways: <a href="https://uic.org/">https://uic.org/</a> In order to be able to consult these documents, applicants must apply to UIC.

References to legislative texts in this document are deemed to include amendments to those texts.

### 1.3.2 Legal status and liability

Pursuant to Article 3, 22° of the Railway Codex, the network statement is the document which details the description of the network, the general rules for travelling on it, the deadlines, procedures and criteria relating to the systems for charging and allocation of the railway infrastructure capacity this document also contains all other information required in order to request railway infrastructure capacity.

The network statement also describes the nature of the railway infrastructure accessible to the railway undertakings and contains information about the conditions for access to this infrastructure.

Furthermore, the network statement includes information on the conditions for access to the service facilities, whether or not operated by Infrabel, connected to Infrabel's railway network, as well as on the services provided in these service facilities, or a link to the website where this information can be consulted freely, in accordance with article 21 of the Railway Codex.

Some of the information provided in this network statement may evolve, in particular as a result of the transposition of European directives into Belgian law. However, it is stipulated that legal or regulatory texts adopted after the publication of the network statement are automatically applicable according to their modalities without the necessary updating of the network statement. However, Infrabel undertakes to adapt the network statement within one month of its publication in the event of any amendment to relevant legislative or regulatory texts. If, despite Infrabel's efforts to provide correct information, there should prove to be differences from the regulations, the latter will be decisive. However, in view of the amount of information contained in this document and the complexity of its continuous updating, certain passages of this document may be obsolete. Infrabel shall ensure that reported deviations from the actual situation are corrected as soon as possible, without further consequences for Infrabel.

Infrabel is not responsible for information in the network statement provided by third parties.

### 1.3.3 Appeals procedure

#### 1.3.3.1 Administrative appeal

Pursuant to Article 62, paragraph 5 of the Railway Codex, with regard to its administrative appeals role, appeals may be made in writing, by registered letter, to the regulatory body (the Regulatory Body

for Railway Transport and for Brussels Airport Operations, for the address: see point 1.6.2) by any applicant, particularly to lodge an appeal against decisions by the infrastructure manager or, where applicable, the railway undertaking or the operator of the service facility if they consider themselves to have been the victim of unfair treatment, discrimination or any other harm with regard to:

- the draft version and the definitive version of the network statement or the criteria which it contains
- the procedure for the allocation of infrastructure capacity and its results and the obligations that arise from this
- the charging system, including the performance scheme set out in Article 23, third paragraph, the level or structure of the charges for the use of the railway infrastructure and the obligations arising from this
- the provisions in terms of access to the railway infrastructure referred to in Articles 5, 6, 7, 8 and 9 of the Railway Codex
- the provisions in terms of access to service facilities contained in Article 9 of the Railway Codex
- the implementation of the perpetual easement referred to in Article 156 part 4, section 1 of the Law dated 21 March 1991 *reforming certain economic public undertakings*
- traffic management
- the renewal planning and the planned or unplanned maintenance
- compliance with the requirements referred to in Articles 4/2/1, 26/1 and 26/2 of the Railway Codex.

An administrative appeal shall not suspend the decision being challenged, unless otherwise decided and duly substantiated by the regulatory body at the request of the complainant.

In accordance with Article 63, third paragraph of the Railway Codex, the regulatory body shall take all necessary measures, including precautionary measures and administrative fines, in the framework of such an administrative appeal to put an end to infringements relating to the network statement, capacity allocation, infrastructure charges and access arrangements, in particular as regards access to service facilities in accordance with Article 9.

### 1.3.3.2 Administrative resolution of disputes

In order to carry out their task relating to the administrative resolution of disputes, the regulatory body is authorised, in accordance with Article 62, fourth paragraph of the Railway Codex, to make a decision:

- within ten working days, in relation to disputes over the allocation of railway infrastructure capacity, upon request from the infrastructure manager or from an applicant, and to do so without prejudice to the existing mechanisms for appeal. The procedure to be followed is described in the Royal Decree dated 21 March 2007 *on the administrative settlement of disputes concerning the allocation of railway infrastructure capacity* (Articles 2 to 5)
- within thirty working days, regarding the execution of the transport contract specified in Article 8 of the Law dated 30 August 2013 *regarding the reform of the Belgian railways* at the request of the infrastructure manager or the railway undertaking
- within ten working days, disputes in connection with the performance scheme, without prejudice to the existing appeal procedures, at the request of the infrastructure manager or a railway undertaking.

## 1.4 Structure of the network statement

The structure of this network statement follows the “Network Statement Common Structure and implementation guide” approved by the European infrastructure managers belonging to RailNetEurope (see point 1.10), based on the applicable legal framework. This document is revised annually. The most recent version is available at the website of RailNetEurope (<https://rne.eu/organisation/network-statements>). The purpose of this common structure is to ensure that all applicants and interested parties can find the same information in the same place in the network statements for the various countries.

The network statement is made up of six chapters, which form the main document and appendices giving further details:

- Chapter 1 gives general information about the network statement and contact persons
- Chapter 2 describes the main technical and functional characteristics of the railway network
- Chapter 3 defines the legal requirements and conditions of access to the railway network
- Chapter 4 sets out the procedure for the train path allocation
- Chapter 5 gives an overview of the services offered by Infrabel outside the service facilities, as well as the charges for these services
- Chapter 6 deals with the obligations of the railway undertakings and Infrabel for traffic management
- Chapter 7 gives an overview of the service facilities connected to Infrabel’s network.

## 1.5 Validity period, updating and publishing

### 1.5.1 Validity period

This network statement applies to capacity requests submitted for the 2023 timetable and traffic for the 2023 timetable (from Sunday 11 December 2022 to Saturday 9 December 2023).

### 1.5.2 Updating

Infrabel consults the applicants, the railway undertakings that are using the Belgian railway infrastructure and the regulatory body regarding the draft network statement no later than two months before the deadline for its publication. These parties have a period of six weeks to make their observations.

Infrabel must ensure that the network statement is always up to date. Any modification of the network statement in the course of the year is announced on the site <https://infrabel.be/en/networkstatement> in the document “Modifications NS 2023”. In addition, the versions in which the changes are visible (i.e. with track changes) are available on the *Business Corner*.

Railway undertakings, applicants and the regulatory body will be informed by letter or e-mail of any significant change. As far as possible, Infrabel will also inform them in advance during one of the subgroups of the coordination mechanism mentioned in Article 26/3 of the Railway Codex.

### 1.5.3 Publishing

In accordance with article 22 of the Railway Codex, the network statement is published no later than four months before the deadline laid down by the infrastructure manager for the submission of requests for railway infrastructure capacity (see point 4.5.1). Its publication is announced via a notice in the Belgian Gazette.

The network statement may be consulted free of charge on the site <https://www.infrabel.be/en/networkstatement>



The website <https://rne.eu/organisation/network-statements/> contains links to the English-language versions of the network statement of the infrastructure managers that are members of RNE, to the extent that these versions are available.

In addition, Infrabel also publishes the content of its network statement (only the English version for now) on the Network and Corridor Information (NCI) portal. The NCI can be accessed free of charge and without user registration via the following link: <https://nci-online.rne.eu/>.

The network statement is drawn up in French, Dutch and English. In the event of differences, or of difficulty of interpretation of the various versions, only the French and Dutch versions shall be valid.

## 1.6 Contacts


### 1.6.1 Infrabel

Area of Responsibility	Contact Details
General contacts network statement	<i>Customer &amp; Business Excellence</i> Directorate 10-31 I-CBE.424 Place Marcel Broodthaers 2 B-1060 Brussels Tel.: + 32 2 432 28 23 Email: <a href="mailto:customercare@infrabel.be">customercare@infrabel.be</a>
Account management (Key Account Managers)	<i>Customer &amp; Business Excellence</i> Directorate 10-31 I-CBE.411 Place Marcel Broodthaers 2 B-1060 Brussels Tel.: + 32 2 525 48 71 Email: <a href="mailto:accountmanagement@infrabel.be">accountmanagement@infrabel.be</a>
Capacity requests and long-term (LT) timetable adjustments 	<i>Customer &amp; Business Excellence</i> Directorate 10-31 I-CBE.332 Place Marcel Broodthaers 2 B-1060 Brussels <b>Freight</b> Tel.: + 32 2 432 28 44 Email: <a href="mailto:longterm.freight@infrabel.be">longterm.freight@infrabel.be</a> <b>Passengers</b> Tel.: + 32 2 432 27 83 Email: <a href="mailto:network.passengers.path.allocation@infrabel.be">network.passengers.path.allocation@infrabel.be</a>
Capacity requests and short-term (ST) timetable adjustments 	<i>Customer &amp; Business Excellence</i> Directorate 10-31 I-CBE.322A Place Marcel Broodthaers 2 B-1060 Brussels Email: <a href="mailto:shortterm.traffic@infrabel.be">shortterm.traffic@infrabel.be</a>



Area of Responsibility	Contact Details
Capacity requests for exceptional transports 	<i>Customer &amp; Business Excellence</i> Directorate 10-31 I-CBE.322B Place Marcel Broodthaers 2 B-1060 Brussels Email: <a href="mailto:bv.te@infrabel.be">bv.te@infrabel.be</a>
Capacity requests and timetable adjustments in real time (RT) 	<i>Traffic Operations Service</i> 10-35 I-TO.16.065 Avenue Fonsny 39 B-1060 Brussels Fax: + 32 2 525 41 28 Email: <a href="mailto:cd.trainpathmanager@infrabel.be">cd.trainpathmanager@infrabel.be</a>
Coordination works North and Centre	<i>Customer &amp; Business Excellence</i> Directorate 10-31 I-CBE.333.N Place Marcel Broodthaers 2 B-1060 Brussels Email: <a href="mailto:itms.north.center@infrabel.be">itms.north.center@infrabel.be</a>
Coordination works South and Centre	<i>Customer &amp; Business Excellence</i> Directorate 10-31 I-CBE.333.S Place Marcel Broodthaers 2 B-1060 Brussels Email: <a href="mailto:itms.south.center@infrabel.be">itms.south.center@infrabel.be</a>
Adjustment of freight train paths due to TCRs not included in the timetable	<i>Customer &amp; Business Excellence</i> Directorate 10-31 I-CBE.321 Place Marcel Broodthaers 2 B-1060 Brussels Email: <a href="mailto:itms.national.coordination.cell@infrabel.be">itms.national.coordination.cell@infrabel.be</a>
Service facilities 	<i>Customer &amp; Business Excellence</i> Directorate 10-31 I-CBE.322.C Place Marcel Broodthaers 2 B-1060 Brussels Email: <a href="mailto:your.facilities@infrabel.be">your.facilities@infrabel.be</a>
User charges	<i>Customer &amp; Business Excellence</i> Directorate 10-31 I-CBE.423 Place Marcel Broodthaers 2 B-1060 Brussels Email: <a href="mailto:41423.gebruiksrechtdevance@infrabel.be">41423.gebruiksrechtdevance@infrabel.be</a>

Area of Responsibility	Contact Details
Exceptional transport studies 	<i>Customer &amp; Business Excellence</i> Directorate 10-31 I-CBE.144 Place Marcel Broodthaers 2 B-1060 Brussels Email: <a href="mailto:yourxxl@infrabel.be">yourxxl@infrabel.be</a>
TTR Pilot & One-Stop Shop (OSS) Infrabel	<i>Customer &amp; Business Excellence</i> Directorate 10-31 I-CBE.332 Place Marcel Broodthaers 2 B-1060 Brussels Tel.: + 32 2 432 28 20 Email: <a href="mailto:oss-rne@infrabel.be">oss-rne@infrabel.be</a>
National TTR Manager	<i>Customer &amp; Business Excellence</i> Directorate 10-31 I-CBE.332 Place Marcel Broodthaers 2 B-1060 Brussels Tel.: + 32 2 432 28 08 Email: <a href="mailto:thomasgerd.vanbeveren@infrabel.be">thomasgerd.vanbeveren@infrabel.be</a>
Arbitration Punctuality	<i>Customer &amp; Business Excellence</i> Directorate 10-31 I-CBE.22 Place Marcel Broodthaers 2 B-1060 Brussels Tel.: + 32 2 432 28 35 Email: <a href="mailto:arbitration_punctuality@infrabel.be">arbitration_punctuality@infrabel.be</a>
General secretariat of the Performance Scheme Management Body (PSMB)	<i>Customer &amp; Business Excellence</i> Directorate 10-31 I-CBE.22 Place Marcel Broodthaers 2 B-1060 Brussels Tel.: + 32 2 525 47 93 Email: <a href="mailto:sec_ogsap_bopr@infrabel.be">sec_ogsap_bopr@infrabel.be</a>
Traction Energy 	<i>Asset Management</i> Directorate 10-40 I-AM.24 Rue de France 85 B-1060 Brussels Tel.: + 32 2 525 27 66 Email: <a href="mailto:yourpower@infrabel.be">yourpower@infrabel.be</a>

Area of Responsibility	Contact Details
Technical inspection of rolling stock (without the use of a train path) 	<i>Customer &amp; Business Excellence Directorate</i> 10-31 I-CBE.143 Place Marcel Broodthaers 2 B-1060 Brussels Tel.: + 32 2 432 29 41 Email: <a href="mailto:homat@infrabel.be">homat@infrabel.be</a>
Admission of rolling stock (in train path)	<i>Customer &amp; Business Excellence Directorate</i> 10-31 I-CBE.145 Place Marcel Broodthaers 2 B-1060 Brussels Tel.: + 32 2 432 57 48 Email: <a href="mailto:homat@infrabel.be">homat@infrabel.be</a>
Transport of dangerous goods	<i>Customer &amp; Business Excellence Directorate</i> 10-31 I-CBE.133 Place Marcel Broodthaers 2 B-1060 Brussels Tel.: + 32 2 432 29 36 Tel.: + 32 2 432 29 37 Email: <a href="mailto:geoffrey.cambier@infrabel.be">geoffrey.cambier@infrabel.be</a> <a href="mailto:kristof.dhoker@infrabel.be">kristof.dhoker@infrabel.be</a>

### 1.6.2 The Regulatory Body for Railway Transport and for Brussels Airport Operations (*Service de Régulation du Transport ferroviaire et de l'Exploitation de l'Aéroport de Bruxelles-National*) – NSA Rail Belgium

Contact Person	Contact Details
Mr. Serge DRUGMAND, director	Boulevard du Jardin Botanique, 50 boîte 72 B-1000 Brussels Tel.: + 32 2 277 45 22 <a href="https://www.regul.be/nl/">https://www.regul.be/nl/</a> Email: <a href="mailto:info@regul.be">info@regul.be</a>

### 1.6.3 Railway Safety and Interoperability Service (*Service de Sécurité et d'Interopérabilité des Chemins de Fer*)

Area of Responsibility	Contact Person	Contact Details
Single safety certificates, certification of staff and rolling stock	Mr. Peter GEENS, director	City Atrium Rue du Progrès, 56 B-1210 Brussels Tel.: + 32 2 277 39 11 Email: <a href="mailto:info@nsarail.fgov.be">info@nsarail.fgov.be</a>

### 1.6.4 Minister of Mobility, in charge of Skeyes, the SNCB (*Société nationale des chemins de fer belges*) and Infrabel

Contact Person	Contact Details
Mr. Georges GILKINET	Boulevard du jardin Botanique, 50 B-1000 Brussels Tel.: + 32 2 220 20 11 Email : <a href="mailto:info@gilkinet.fed.be">info@gilkinet.fed.be</a>

### 1.6.5 Federal Public Service for Mobility and Transport

Area of Responsibility	Contact Person	Contact Details
Licences	Mr. Bertrand DETROUX (FR)	City Atrium Rue du Progrès, 56 B-1210 Brussels Directorate-General for Sustainable Mobility and Railway Policy Tel.: + 32 2 277 36 11 / +32 476 70 42 75 Email: <a href="mailto:bertrand.detroux@mobilite.fgov.be">bertrand.detroux@mobilite.fgov.be</a>
	Mr. Immanuel DE COSTER (NL)	City Atrium Rue du Progrès, 56 B-1210 Brussels Directorate-General for Sustainable Mobility and Railway Policy Tel. : +32 2 277 42 35 / +32 475 80 40 03 Email : <a href="mailto:immanuel.decoester@mobilite.fgov.be">immanuel.decoester@mobilite.fgov.be</a>

### 1.6.6 Neighbouring infrastructure managers

Information on the railway infrastructure of neighbouring countries is also included in the network statement. This is available at the following addresses:

Country	Infrastructure Managers	Websites
Netherlands	ProRail B.V.	<a href="https://www.prorail.nl/">https://www.prorail.nl/</a> <a href="https://www.prorail.nl/samenwerken/vervoerders/netwerk-statement">https://www.prorail.nl/samenwerken/vervoerders/netwerk-statement</a>
Germany	DB Netz AG	<a href="https://fahrweg.dbnetze.com/fahrweg-de">https://fahrweg.dbnetze.com/fahrweg-de</a> <a href="https://fahrweg.dbnetze.com/fahrweg-de/kunden/nutzungsbedingungen/nutzungsbedingungen/NBN">https://fahrweg.dbnetze.com/fahrweg-de/kunden/nutzungsbedingungen/nutzungsbedingungen/NBN</a>

Country	Infrastructure Managers	Websites
Luxembourg	Administration des Chemins de Fer (Allocation body)	<a href="https://acf.gouvernement.lu/fr.html">https://acf.gouvernement.lu/fr.html</a> <a href="https://acf.gouvernement.lu/fr/sillon/Document-de-reference-du-reseau.html">https://acf.gouvernement.lu/fr/sillon/Document-de-reference-du-reseau.html</a>
	Société Nationale des Chemins de fer Luxembourgeois (infrastructure manager)	<a href="https://www.cfl.lu/">https://www.cfl.lu/</a> (see network statement of ACF)
France	SNCF Réseau	<a href="https://www.sncf-reseau.com/fr">https://www.sncf-reseau.com/fr</a> <a href="https://www.sncf-reseau.com/fr/documents-reference-reseau">https://www.sncf-reseau.com/fr/documents-reference-reseau</a>

Contact information for the OSS RNE can be found at <https://rne.eu/organisation/oss-c-oss>

### 1.6.7 Corridor One-Stop Shop (C-OSS)

RFC	Contact Person	Contact Details
RFC Rhine-Alpine	Mrs. Stephanie BSCHEID	Corridor One-Stop Shop Adam-Riese-Straße 11-13 D-60327 Frankfurt am Main Tel.: +49 69 265 26 771 Mobile: + 49 160 97 46 75 34 Email: <a href="mailto:coss@corridor-rhine-alpine.eu">coss@corridor-rhine-alpine.eu</a> <a href="https://www.corridor-rhine-alpine.eu/c-oss.html">https://www.corridor-rhine-alpine.eu/c-oss.html</a>
RFC North Sea-Mediterranean	Mr. Jean QUAEYHAEGENS	Corridor One-Stop Shop 10-31 I-CBE.31 (Corridor NSM) Place Marcel Broodthaers 2 B-1060 Brussels Tel.: +32 2 432 58 95 Mobile: +32 490 47 15 22 Email: <a href="mailto:oss@rfc-northsea-med.eu">oss@rfc-northsea-med.eu</a> <a href="https://www.rfc-northsea-med.eu/en/page/capacity">https://www.rfc-northsea-med.eu/en/page/capacity</a>
RFC North Sea - Baltic	Mrs. Anna DIFLIFF	Corridor One-Stop Shop Adam-Riese-Straße 11-13 D-60327 Frankfurt am Main Tel.: + 49 69 265 26 778 Mobile: + 49 152 37 52 59 62 Email: <a href="mailto:coss@rfc8.eu">coss@rfc8.eu</a> <a href="https://rfc8.eu/corridor/organization/c-oss/">https://rfc8.eu/corridor/organization/c-oss/</a>

## 1.6.8 European Union Agency for Railways (ERA)

Area of Responsibility	Website
Single safety certificates and vehicles authorisations for placing on the market	<a href="https://www.era.europa.eu/">https://www.era.europa.eu/</a>

## 1.7 Cooperation between European infrastructure managers

### 1.7.1 International rail corridors for competitive freight (Rail Freight Corridors-RFC)

The Regulation 913/2010 *concerning a European railway network for competitive freight* required Member States to establish international rail freight corridors for competitive freight (hereafter 'freight corridors') in order to meet the following goals:

- strengthening co-operation between infrastructure managers/allocation bodies on key aspects such as the allocation of train paths, deployment of interoperable systems and infrastructure development
- finding the right balance between freight and passenger traffic along the freight corridors, giving adequate capacity for freight in line with market needs and ensuring that common punctuality targets for freight trains are met
- promoting intermodality between rail and other transport modes by integrating terminals into the corridor management process.

Infrabel is involved with these freight corridors as they pass through Belgium:

RFC	Member States	Main routes
Rhine-Alpine	NL, BE, DE, IT, [CH]	Zeebrugge-Antwerpen/Amsterdam/Vlissingen/Rotterdam-Duisburg-[Basel]-Milano-Genova
North Sea – Mediterranean	NL, BE, LU, FR, [CH]	Dunkerque/Lille/Liège/Paris/Amsterdam-Rotterdam-Zeebrugge/Antwerpen-Luxemburg-Metz-Dijon-Lyon/[Basel]/[Genève]-Marseille
North Sea – Baltic <sup>o</sup>	DE, NL, BE, PL, LT, LV, EE, CZ	Wilhelmshaven/Bremerhaven/Hamburg/Amsterdam/Rotterdam/Zeebrugge-Gent (Terneuzen)-Antwerpen-Aachen-Hannover/Berlin-Warschau-Terespol (Poland-Belarus border)/Kaunas-Riga-Tallinn/Falkenberg-Praha/Wroclaw-Katowice-Medyka (Poland-Ukraine border)

/ Signifies alternative routes.

<sup>o</sup> Until Rail Baltica has completed installation of a standard track gauge of 1,435 mm, the specific features of systems with different gauges will have to be taken into account when using this corridor.

General information and a detailed description of the freight corridors in which Infrabel is involved can be found on the following websites:

- RFC Rhine-Alpine: <https://www.corridor-rhine-alpine.eu/>
- RFC North Sea – Mediterranean: <https://www.rfc-northsea-med.eu/>

- RFC North Sea – Baltic: <https://rfc8.eu/>

The rules which apply to corridors are described in the Corridor Information Document (CID), which follows a common structure defined by RNE in the document "Corridor Information Document – Common Structure", which can be found on the RNE website (<https://rne.eu/corridor-management/corridor-information-documents/>).

The CID that are published each year in January, can be found at:

- RFC Rhine-Alpine: <https://www.corridor-rhine-alpine.eu/corridor-information-documents.html>
- RFC North Sea – Mediterranean: <https://www.rfc-northsea-med.eu/en/page/corridor-information-document>
- RFC North Sea – Baltic: <https://rfc8.eu/cid/>

These documents may also be viewed and compared on the NCI platform: <https://nci-online.rne.eu/>

The rules relating to the capacity allocation (pre-arranged paths (PaP) or reserve capacity) on the freight corridors can be found in section 4 of the CID. The contact details for the Corridor One-Stop Shops can be found in point 1.6.7.

## 1.7.2 RailNetEurope and other international cooperation

### 1.7.2.1 RailNetEurope



Infrabel is a member of RailNetEurope (RNE), which is an umbrella organisation of European railway Infrastructure Managers and Allocation Bodies. RNE facilitates international railway business by developing harmonised international business processes in the form of templates, handbooks, and guidelines, as well as IT tools. More information about RNE is

available on the website: <https://rne.eu/organisation/rne-approach-structure/>.

### 1.7.2.2 Other international cooperation

In accordance with Article 7 septies of Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area, and amended by Directive (EU) 2016/2370, Infrabel participates in the "Platform of Rail Infrastructure Managers in Europe" (PRIME - <https://webgate.ec.europa.eu/multisite/primeinfrastructure/>).

Infrabel is also a member of:

- *European Rail Infrastructure Managers* (<https://www.eimrail.org/>)
- *Union Internationale des Chemins de fer* (<https://www.uic.org/>)
- *ERTMS Users Group* (<https://www.ertms.be/>)



## 2 Infrastructure

### 2.1 Introduction

This chapter describes the functional and technical characteristics of the railway infrastructure operated by Infrabel.

In view of the amount of information in this chapter and taking into account the continuous evolution of infrastructure characteristics, it is possible that certain passages in this chapter are not up to date and that there are occasional differences between the description in this chapter and reality. In this case, applicants may request clarification from Infrabel, which undertakes, if necessary, to update the aforementioned description as soon as possible.

Information about the railway infrastructure at European level can be found in the Register of Infrastructure (RINF). This register is regulated by Directive (EU) 2016/797 *on the interoperability of the rail system within the European Union* repealing Directive 2008/57 and by article 211 of the Railway Codex. Linked to this register is the principle that the main characteristics of the European railway infrastructure must be transparent. This computer application, providing access to data from national infrastructure registers, is designed and managed by the ERA (European Union Agency for Railways) . It is available at <https://rinf.era.europa.eu/rinf>.

### 2.2 Extent of network

#### 2.2.1 Limits

The railway infrastructure is defined as being all the elements referred to in Appendix 23 of the Railway Codex.

The map of the Belgian railway infrastructure (appendix C.1) shows the whole of the network. Appendix D.1 contains the names of the lines, their principal characteristics and their particularities.

Although they are part of the Belgian railway infrastructure, the facilities below may not be used by a railway undertaking:

- tracks not in service
- connections to the facilities of the technical services of Infrabel
- connections to the facilities of the technical services of another railway undertaking
- facilities for which Infrabel has granted an occupancy authorisation
- tracks reserved for the technical services of Infrabel or to third parties, in particular industrialists.

#### 2.2.2 Connecting railway networks

The Belgian railway infrastructure provides access to the railway infrastructures of the countries neighbouring Belgium. The border points and the neighbouring infrastructure manager are set out in appendix D.3. Point 1.6.5 contains links to the websites of the neighbouring infrastructure managers.

Chapter 7 of this document contains information on the service facilities operated by third parties.

## 2.3 Network description

### 2.3.1 Track typologies

The Belgian railway infrastructure map (appendix C.1) shows the different lines. The single and double-track sections and sections with more than two tracks are listed in appendix D.2.

### 2.3.2 Track gauges

All the tracks in the Belgian railway infrastructure are built at the standard gauge of 1.435 m. The details regarding the gauge appear in UIC Leaflet 510 Wagons - Running gear - Normalisation and in RDEI 121 – *Tracks, gauge and structures*.

### 2.3.3 Stations and nodes

All the stations are listed in appendix D.6. The distances between stations and nodes for each line or reference are indicated in appendix E.1. The Belgian railway infrastructure map (appendix C.1) enables the location of these stations and nodes.

### 2.3.4 Loading Gauge

The concepts relating to the gauge are covered in RDEI 121 – *Tracks, gauge and structures*.

The Belgian loading gauge can be found in Part 1 of the Loading Guidelines, published by the UIC.

When the Belgian loading gauge is exceeded, this is referred to as an exceptional transport. Further information on exceptional transports is given in:

- RDEI 423 – *Movement of exceptional transports*
- RDEI 443 – *Exceptional transports*.

Lists 14a and 14b of the RIEI are maps concerning intermodal transport that contain the classification of those combined transports that are allowed on the Belgian railway infrastructure. These maps are included in appendix C.2 of this network statement.

European standard EN15273 contains the rules for the (interoperable) gauges G1, GA, GB and GC with regard to high parts and gauges GI1 and GI2 with regard to low parts.

Gauges BE1, BE2, BE3 and BE4 apply to the Infrabel network (see standard EN 15273).

### 2.3.5 Weight limits

#### 2.3.5.1 Authorised loads

In accordance with the Commission Implementing Regulation (EU) 2019/773 *on the TSI operation and traffic management*, the maximum authorised loads by reference to the intended route must be calculated and monitored by the railway undertakings and are the sole responsibility of the railway undertakings.

Concerning axle load, the network is accessible to D4 loads.

The high-speed lines are suitable for the following axle loads and speeds:

- maximum 22.5 tonnes per axle for speeds up to 200 km/h
- maximum 20 tonnes per axle for speeds up to 250 km/h
- maximum 17 tonnes per axle for speeds up to 300 km/h.

### 2.3.5.2 Linear load

The information on the linear load is covered in RDEI 443 – *Exceptional transports*.

### 2.3.6 Line gradients

Both gradients and altitudes of stations and nodes are indicated on the longitudinal sections. The particular prescriptions applicable to inclines on line 36 between Liège-Guillemins and Ans are given in RDEI 442 – *Driving*.

The applicants can view the longitudinal sections on the *Business Corner (Draw In)*.

### 2.3.7 Maximum line speeds

Appendix D.1 contains the reference speed for the lines.

Details on the speeds authorised by the signalling are given on the PSS - *Plans Schématiques de Signalisation* (Schematic Signalling Plans). The applicants can view these plans on the *Business Corner (Draw In)*.

The infrastructure manager may impose more or less restrictive speeds in light of operating possibilities or technical constraints.

### 2.3.8 Maximum train lengths

The length of passenger trains is limited as follows:

- towed units: 430 m or 16 vehicles
- self-propelled units: 12 cars
- high-speed trains: 18 cars.

The length of freight trains is limited in principle to 750 m inclusive of traction units. The infrastructure manager's agreement must always be sought for any train longer than 650 m. The allocation of the train path will then be based on the characteristics of the infrastructure and robustness.

The infrastructure manager may impose more or less restrictive lengths on the basis of the operating possibilities or technical constraints. The detailed rules are given in RDEI 141 – *Operational particularities relating to trains and equivalent traffic in force across the whole network*.

Appendix D.4 contains the lengths of the passenger station platforms. The lengths of intersection and parking tracks are set out in appendix D.2.

### 2.3.9 Power supply

The electrical supply system is described in RDEI 123 - *Fixed installations of electric traction*.

Most of the lines in the Belgian railway infrastructure are electrified at 3 kV DC. Some lines are electrified at 25 kV – 50 Hz. Line 24 is electrified at 15 kV between Montzen and the German border. The technical network map (appendix C.3) gives an overview of the electrified lines and the catenary voltage. The details are given in appendix D.1.

The map in appendix C.4 indicates the maximum current that can be drawn by a train on each line or line section.

### 2.3.10 Signalling systems

Unless indicated otherwise on the map in appendix C.5, all lines in the Belgian railway infrastructure are equipped with lateral signalling. The various signalling systems are described in Part 1 of the RDEI

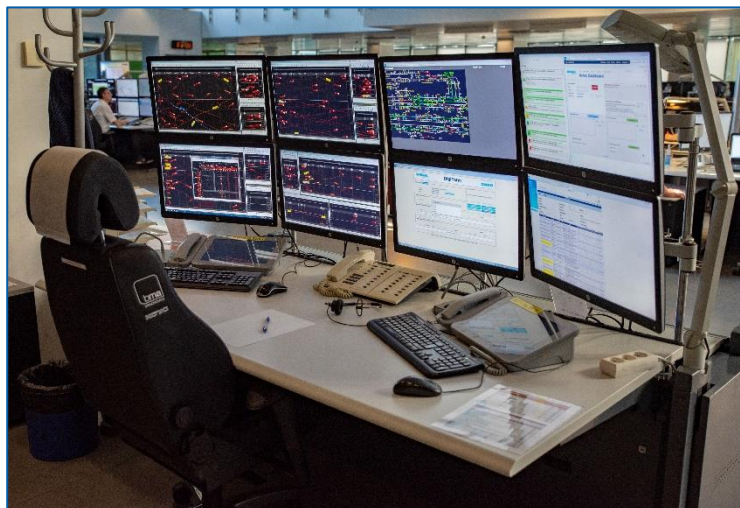
– *Characteristics of the network*, more specifically Book 13 – *Signalling equipment* and Part 3 of the RDEI - *Technical specifications and operational procedures*.

Appendix D.1 cites the particular features of the equipment of the lines in signalling.

### 2.3.11 Traffic control systems

The traffic coordination body (Central Dispatch) is responsible for coordinating, managing and reporting incidents. It is equipped with high-tech systems (for example graphic screens giving an overview of the train itineraries, updated automatically) and modern communications equipment.

The various books of the RDEI cover the traffic control systems.



### 2.3.12 Communication systems

The Belgian railway network is fitted with GSM for Railways (GSM-R), an international standard for the pan-European digital radio network which is intended to deliver interoperability between the railway networks, in accordance with the Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 *on the interoperability of the rail system within the European Union*.

The GSM-R network must be used for all safety communications between the train driver and the traffic coordination body. GSM-R is available on all the lines of the Infrabel network.

It supports voice and data services and provides radio support for the “European Train Control System (ETCS) level 2”. “ETCS level 2” is used on the high-speed lines L.3 and L.4 and is also being rolled out on part of the conventional network.

In order to have access to Infrabel’s GSM-R network, the engine must be fitted with a GSM-R cab-radio certified as complying with the national requirements and a SIM card from Infrabel or another infrastructure manager whose GSM-R network is interconnected to the UIC GSM-R ENIR Overlay Network. This network is made up of 17 infrastructure managers: ÖBB-Infrastruktur AG (Austria), Infrabel (Belgium), SBB Infrastructure (Switzerland), Správa železnic, státní organizace (Czech Republic), DB Netz AG (Germany), Banedanmark Rail Net Denmark (Denmark), Administrador de Infraestructuras Ferroviarias (Spain), SNCF Réseau (France), Rete Ferroviaria Italiana (Italy), Bane NOR (Norway), ProRail B.V. (the Netherlands), Trafikverket (Sweden), Železnice Slovenskej republiky (Slovakia), Network Rail (Great Britain), Slovenske železnice- Infrastruktura, d.o.o. (Slovenia), Magyar Államvasutak Zrt. (Hungary) and Société Nationale des Chemins de Fer Luxembourgeois (Luxembourg).. An overview of the roaming possibilities between the different GSM-R networks can be found in appendix E.3.

The SIM card must be configured in accordance with the EIRENE (European Integrated Railway Radio Enhanced Network) standards. To obtain an Infrabel SIM card, railway undertakings must contact their Key Account Manager. In their request, the railway undertakings must specify the engine for which the SIM card is intended. Infrabel SIM cards for cab-radios are free.

The GSM-R network may not be used for purposes other than the safety or ETCS communications referred to above.

The broadband networks of the public mobile operators and those of the GSM-R coexist in the 900 MHz band. Since 1 August 2019, there has been an increased risk of interference due to a decision of the Belgian Institute of Postal Services and Telecommunications (BIPT). Infrabel therefore encourages railway undertakings to make radio receivers on board their trains resistant to interference, by means of improved receivers and/or filters for the cabin radio and the EDOR radio. Initiatives have also been taken at European level and there is a legislative framework in the CCS TSI (Control Command and Signalling – Regulation EU 2016/919) to oblige this equipment to new rolling stock or for major modifications to it. If such equipment is not installed on board the rolling stock, the railway undertaking must inform Infrabel of the measures it has taken to prevent interference.

Without prejudice to other provisions, applicants for authorisations for placing into service and the railway undertakings shall take the necessary decisions so that GSM-R on-board equipment, both for vocal transmission and for transmission of data required for traffic under ETCS level 2 FS, complies with the ETSI TS 102 933-1 standards (version 2.1.1 or higher) and TS 102 933-2 (version 2.1.1 or higher).

### 2.3.13 Train control systems

The driving aid systems are described in RDEI 133 – *Driving aids*.

Appendix C.5 gives an overview of the location of the driving aid systems and cabin signalling systems and appendix D.1 gives details on this.

The current equipment of the network with ETCS is shown in Appendix C.6 and the planned equipment of the network with ETCS on 14 December 2025 (start of the 2026 timetable) is shown in Appendix C.8.

## 2.4 Traffic restrictions

### 2.4.1 Specialised infrastructure

The restrictions applicable to movements on certain lines appear in RDEI 142 – *Local particularities valid in certain installations and on certain sections of line*. Particular instructions regarding certain lines and specific vehicles are given in appendix D.10.

The list with the lines that are specifically intended for freight transport can be found in appendix B.4.2.

There are no principal dedicated lines. Lines numbered higher than 200 are termed industrial and used for the freight traffic.

### 2.4.2 Environmental restrictions

#### 2.4.2.1 General principles

Within the framework of compliance with European or Belgian legislation (at federal or regional level), applicants are subject to certain environmental restrictions. In addition, certain restrictions may result from environmental agreements with the authorities and from environmental and building permits.

The most important environmental constraints relate to noise, vibration and soil pollution. They concern either rolling stock or the use of infrastructure. In general, environmental pollution must be kept to a minimum.

#### 2.4.2.2 Noise and vibrations

In accordance with Commission Regulation (EU) No 1304/2014 of 26 November 2014 *on the technical specification for interoperability relating to the subsystem 'rolling stock – noise'* (TSI Noise), quieter routes will come into force on 8 December 2024. The sections concerned on the Infrabel network are published in RINF: <https://rinf.era.europa.eu/rinf/>. Railway undertakings are required to comply with the obligations arising from this Regulation in particular for the freight wagons referred to in Regulation 321/2013 and used on these quieter routes.

In general, it is highly recommended that locomotives should be switched off when stationary.

#### 2.4.2.3 Soil pollution

Refuelling may only take place in the facilities and on the platforms operated by Infrabel or in the private supply facilities of other operators (see appendices D.7 and E.2).

On the platforms operated by Infrabel, the tracks are equipped with special soil protection to allow refuelling of diesel vehicles by tankers. With this soil protection, Infrabel aims to prevent any form of possible soil pollution. By signing the local protocol (see point 7.3.1.4), the railway undertaking commits itself to respecting the conditions of use of this refuelling platform in a way that avoids any form of soil pollution caused by refuelling. The railway undertaking using the refuelling platform reserved for the supply of diesel by tankers shall be held liable for any soil pollution caused by this supply and shall guarantee Infrabel for the harmful consequences thereof.

#### 2.4.2.4 Transmission of information to public authorities

In order to comply with legal obligations and other commitments with the public authorities Infrabel is required to communicate certain information on the use of its railway infrastructure to various public authorities, without prejudice to respect for the confidentiality of the information.

In order to reduce the administrative burden on railway undertakings, Infrabel will, as far as possible, use data already collected for other purposes and included in Infrabel's systems. Infrabel will only request additional information from the railway undertakings for data that it has not been able to collect itself.

In all cases where reports are intended for the public authorities and where Infrabel is unable to provide all the necessary data on the basis of the data available, Infrabel will ask the railway undertaking to correct or supplement the data.

The railway undertaking is obliged to submit the additions and corrections within the set response period, so that Infrabel and the railway undertaking can comply with the conditions laid down in licences or legislation or further commitments with the authorities.

### 2.4.3 Dangerous goods

The requirements applicable to the international carriage of dangerous goods appear in the Royal Decree of 2 November 2017 *relating to transport of dangerous goods by rail, excluding explosive and radioactive substances*, amended by the Royal Decree of 7 April 2019 *amending Appendix 3 to the Royal Decree of 2 November 2017* (referred to above) and in the Regulation concerning the international carriage of dangerous goods by rail (RID).

The measures to be taken in the event of an accident involving one or more RID wagon(s) are set out in RDEI 352 – *Accidents, incidents and distress*.

The carriage of dangerous goods is prohibited on certain lines. More details are given in appendix D.1.



#### 2.4.4 Tunnel restrictions

The list of tunnels in the network appears on the technical network map (appendix C.3).

The restrictions applicable to movements in the tunnels on certain lines are given in RDEI 142 – *Local particularities valid in certain installations and on certain sections of line*. The requirements relating to specific lines and those relating to certain vehicles are given in appendix D.10.

#### 2.4.5 Bridge restrictions

Appendix C.3, representing the technical network map, contains the list of opening bridges in the network.

The infrastructure manager has details available for consultation on the times when they are closed to train movements. The requirements relating to certain lines and those relating to certain vehicles are given in appendix D.10.

### 2.5 Availability of the infrastructure

The infrastructure may be declared unavailable in order to allow Infrabel to carry out its maintenance, renewal, extension and modernisation. Further information on this subject can be found in point 4.3.

### 2.6 Infrastructure development

Infrabel is constantly developing its infrastructure, including the local infrastructure. Current and future projects include the RER project, which aims to absorb the growth in traffic into and within the capital and projects designed to increase rail-sea intermodality in the main ports, etc. These various projects are presented on <https://www.infrabel.be/>.

The channels of communication between Infrabel and its customers with regards to works (or temporary capacity restrictions) can be found in point 4.3.



## 3 Access conditions

### 3.1 Introduction

This third chapter describes the conditions that an applicant railway undertaking must meet in order to submit a capacity request and to access the Belgian railway network and the conditions that a non-railway undertaking applicant must meet to submit a capacity request.

The railway infrastructure capacity allocated to one applicant may not be transferred to any other applicant or service. The use of capacity by a railway undertaking performing the activities on behalf of an applicant which is not a railway undertaking shall not be considered a transfer.

The terms also apply on the Belgian part of the freight corridors, which pass through the Belgian railway network.

### 3.2 General Access Requirements

#### 3.2.1 Conditions for applying for capacity

##### 3.2.1.1 Railway undertaking applicants

Applicants that are railway undertakings can apply for capacity from Infrabel.

The requirements to be fulfilled by a railway undertaking in order to obtain access to the Belgian railway infrastructure are defined in point 3.2.2, as well as more information relating to those allowed to perform train operations.

##### 3.2.1.2 Non-railway undertaking applicants

Other applicants that are not railway undertakings may request capacities from Infrabel. These capacities are allocated under the condition that a capacity agreement (appendix B.3.1) exists with Infrabel.

Before the capacity can be used, non-railway undertaking applicants must indicate a railway undertaking:

- not later than 7 calendar days before the train path day
- at the latest at the time of the request for capacity if the train path day takes place less than 7 calendar days after the request
- no later than at the time of the capacity request, in the case of exceptional transport for which a prior study is required in order to be permitted
- according to the rules of the Framework for Capacity Allocation of the freight corridors, with regard to pre-arranged paths and reserve capacity.

The non-railway undertaking applicant may change the designated railway undertaking by designating another railway undertaking 7 calendar days before the train path day.

#### 3.2.2 Conditions for access to the railway infrastructure

The following have the right of access to the railway infrastructure under honest, non-discriminatory and transparent conditions:

- the SNCB (national railway company of Belgium) for all its activities involving the carriage of passengers and freight. This right includes access to the infrastructure that connects the sea

and inland ports and other service facilities specified in Appendix 1, point 2 of the Railway Codex, as well as to infrastructure that serves or can serve more than one end user

- any railway undertaking established in a Member State of the European Union for any type of freight transport. This right includes access to the infrastructure that connects the sea and inland ports and other service facilities specified in Appendix 1, point 2 of the Railway Codex, as well as to infrastructure that serves or can serve more than one end user
- any railway undertaking established in a European Union Member State, for the operation of passenger transport. This right includes access to infrastructure, which connects the service facilities specified in Appendix 1, point 2 of the Railway Codex
- any tourist association carrying out runs for tourist purposes using historic trains and authorised to do so.

In order to have access to the railway infrastructure, a railway undertaking must hold:

- a licence appropriate to the types of service that it offers, issued by the competent authority in a Member State of the European Union (see point 3.2.3)
- a single safety certificate (see point 3.2.4)
- capacities available on the railway infrastructure granted by the infrastructure manager or by the Corridor One-Stop Shop on behalf of the infrastructure manager (see chapter 4) or be designated by a non-railway undertaking applicant in order to use its railway capacity (see point 3.3.3)
- a civil liability insurance (see point 3.2.5).

Any railway undertaking wishing to make use of the railway capacity must first hold a track access agreement signed by Infrabel in which the respective rights and obligations of each party are defined (see point 2.3.1.1).

The infrastructure manager travels freely for the purposes of maintenance, management, renewal and extension of the railway infrastructure, in compliance with the safety rules imposed on all users of the railway infrastructure and with due regard for the train paths which have been allocated to the applicants.

### 3.2.3 Licences

In order to be recognised as a railway undertaking and gain access to the infrastructure, you must currently be licensed as a railway undertaking. Any undertaking having an operating base in Belgium has the right to request a licence from the minister (see point 1.6.3). The licence is non-transferable and determines the types of service for which it is valid. It is valid across the whole territory of the European Union.

The licence is issued under the conditions laid down by Chapter II of Title 3 of the Railway Codex and Articles 3 and 4 of the Royal Decree dated 16 January 2007 *on the railway undertaking licence*.

Any additional information regarding the licence may be obtained from the Directorate for Railway Policy of the Directorate-General for Sustainable Mobility and Railway Policy of the Federal Public Service for Mobility and Transport (see point 1.6.4).

### 3.2.4 Single safety certificate

As provided for in Article 99 of the Railway Codex, in order to have access to the railway infrastructure, a railway undertaking must be in possession of a single safety certificate issued either by ERA (European Union Agency for Railways) (in accordance with Article 10, paragraphs 5, 6 and 7 of Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 *on railway safety*) or by

the Safety Authority (*Service de Sécurité et d'Interopérabilité des Chemins de Fer - SSICF*) (in accordance with Article 100 of the Railway Codex).

The application for a single safety certificate shall be submitted through the one-stop shop referred to in Article 12 of Regulation (EU) 2016/796 *on the European Union Agency for Railways*. When the area of operation of a railway undertaking is limited to the Belgian territory, the applicant has the choice to submit his application for a single safety certificate to the SSICF or to the ERA. However, if the area of operation of a railway undertaking is not limited to Belgian territory, the application for a single safety certificate can only be submitted to the ERA.

The purpose of the single safety certificate is to provide evidence that the railway undertaking concerned has established its safety management system and that it is able to operate safely in the intended area of operation. It specifies the type and extent of the railway operations covered and the intended area of operation

The single safety certificate shall be issued under the conditions laid down in articles 99 to 104/2 of the Railway Codex.

Railway undertakings with an A or B safety certificate that was issued in Belgium prior to 31 October 2020 in accordance with Directive 2004/49/EC only need to switch over to a single safety certificate in the case of renewal or a major change to the type, scope or the area of operation. In other cases, these safety certificates will remain valid until their end date, unless the holders voluntarily relinquish them by means of a single safety certificate that covers the area of operation in question.

Detailed information on the single safety certificate can be found at [https://www.era.europa.eu/applicants/applications-single-safety-certificates\\_en](https://www.era.europa.eu/applicants/applications-single-safety-certificates_en) or obtained from the SSICF (see point 1.6.3) or the ERA (see point 1.6.8).

### 3.2.5 Insurance

The liabilities of the railway undertakings are set out in the track access agreement (appendix B.2).

The Railway Codex requires the possession of civil liability cover:

- as a condition for obtaining a railway undertaking licence (Article 13§1)
- as a condition for access to the railway infrastructure (Article 7, 4°).

The minimum amount of civil liability cover is set by the Royal Decree of 8 December 2013 *concerning the setting of the minimum amount for the cover of civil liability for travel on the railway infrastructure*. The said amount is set at 50 million euros per event and 70 million euros per event for the provision of rail transport services for passengers and for railway undertakings holding a single safety certificate allowing them to transport dangerous goods.

The responsibilities of the non-railway undertaking applicants and the coverage are described in the capacity agreement (Appendix B.3.1).

## 3.3 Contractual arrangements

### 3.3.1 Framework agreement

The framework agreement is the agreement that defines the rights and obligations of an applicant and of the infrastructure manager and that relates to the capacities of the railway infrastructure to be distributed and the charges to be applied over a duration exceeding a single period of validity of the timetable. The framework agreement is in accordance with the conditions laid down in Article 24 of

the Railway Codex and implementing regulation (EU) 2016/545 of 7 April 2016 *on procedures and criteria concerning framework agreements for the allocation of railway infrastructure capacity*.

Infrabel does not offer framework agreements to her customers at the moment.

### **3.3.2 Contracts concluded between Infrabel and the railway undertaking**

Any utilisation of the infrastructure by a railway undertaking first requires an agreement, concluded between the infrastructure manager and the railway undertaking providing rail transport services, which defines the respective rights and obligations of each party. The conditions governing this agreement are non-discriminatory and transparent and are in accordance with the legal and regulatory provisions in force. It is referred to hereinafter as “the track access agreement”.

In particular, this track access agreement specifies the conditions for the implementation of the safety rules.

The track access agreement is in accordance with the conditions laid down in Article 23 of the Railway Codex. The parties may seek the advice of the regulatory body as to the compatibility of the agreement envisaged with the provisions of the Railway Codex and the related Royal Decrees.

In the event of a contradiction between a provision in the network statement and a provision in the track access agreement, the latter shall prevail.

The general conditions of the track access agreement appear in appendix B.2.1.

### **3.3.3 Contracts concluded between Infrabel and the non-railway undertaking applicant**

Non-railway undertaking applicants may submit a capacity request with Infrabel.

The asked capacity is only allocated if the non-railway undertaking applicant has concluded a capacity agreement with Infrabel (see appendix B.3.1). The capacity agreement sets out the respective rights and obligations of each party, in particular the provisions concerning the offered services and their billing.

In the event of a conflict between a clause of the network statement and a clause of the capacity agreement, the latter shall prevail.

### **3.3.4 General terms and conditions**

When drawing up the General Terms and Conditions, which can be found in this document and in the track access agreement between Infrabel and a railway undertaking, Infrabel based itself in particular on the European General Terms and Conditions (EGTC - [https://rne.eu/wp-content/uploads/2022/10/E-GTC-I\\_Agreement\\_RNE-CIT\\_EN-FR-DE\\_2014-09-01.pdf](https://rne.eu/wp-content/uploads/2022/10/E-GTC-I_Agreement_RNE-CIT_EN-FR-DE_2014-09-01.pdf)).

## **3.4 Specific access requirements**

### **3.4.1 Rolling stock acceptance**

The rolling stock that travels and/or works directly on the tracks (tracks that are in or out of service) must have a traffic admission certificate. To obtain a traffic admission certificate, the conformity of the relevant stock with the applicable legal provisions is examined.


Vehicle authorisation for placing rolling stock that uses train paths on the market:

According to Article 179/4 of the Railway Codex, a vehicle may only be placed on the market after having received the vehicle authorisation for placing on the market issued by the ERA (European Union Agency for Railways) in accordance with Article 21, paragraphs 5, 6 and 7 of Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 *on the interoperability of the rail system within the European Union*, or by the Railway Safety and Interoperability Service (*Service de Sécurité et d'Interopérabilité des Chemins de Fer - SSICF*), in accordance with Article 179/9 of the Railway Codex.

The application for authorisation must be submitted through the one-stop shop referred to in Article 12 of Regulation (EU) 2016/796 *on the European Union Agency for Railways*. In accordance with article 179/9 of the Railway Codex, when it concerns rolling stock whose area of use is limited to the Belgian territory, the applicant has the choice to send his application for authorisation to the SSICF or to the ERA. On the other hand, when the area of use of the rolling stock is not limited to Belgian territory, the application for authorisation can only be submitted to the ERA.

The requirements contained in the Royal Decree of 6 December 2020 *adopting the requirements applicable to rolling stock for the use of train paths* can be found on Infrabel's website (<https://infrabel.be/en/railwayundertakings#admission-rolling-stock>) or on the *Business Corner*.

#### Technical inspection of rolling stock without the use of train paths:

The infrastructure manager is tasked with the technical inspection of rolling stock without the use of train paths in accordance with the Royal Decree of 23 May 2013 adopting the requirements applicable to rolling stock without the use of train paths and to safety staff performing safety-critical tasks of driving a power-driven vehicle as part of the operation of an installation or a private railway connection. Against this background, Infrabel developed the  service. More information on this service is available in point 5.5.3.

Further details can be obtained from the SSICF (see point 1.6.4), from the ERA (see point 1.6.8) or from Infrabel (see point 1.6.1).

### **3.4.2 Staff acceptance**

#### **3.4.2.1 Legal framework**

The applicable legislation is contained in:

- the Commission Implementing Regulation 2019/773 of 16th May 2019 *on the technical specification for interoperability relating to the operation and traffic management subsystem of the rail system within the European Union and repealing Decision 2012/757/EU*
- the law dated 30th August 2013 *concerning the Railway Codex*
- the Royal Decree of 22nd June 2011 *regarding the licences of drivers and the registration of licences and certificates*
- the Royal Decree of 12th September 2011 *regarding the provision of training services for train drivers and the recognition of training centres.*

The list of training centres can be found via the following link: <https://www.nsarail.fgov.be/nl/themes/veiligheidspersoneel/erkenningen/opleidingscentrum>

- the Royal Decree of 9th August 2020 *laying down the requirements applicable to security personnel and the personnel of the entities in charge of maintenance*, which repeals the Royal Decree of 9th July 2013 *determining the requirements applicable to safety personnel*
- the Royal Decree of 9th July 2018 *setting the rules regarding the medical and psychological examinations for professional purposes for train drivers as well as the criteria for recognition of centres in charge of these examinations.*

### 3.4.2.2 Drivers' knowledge of languages: derogation

Derogations concerning the language skills of train drivers are described in point 6.2.2.


### 3.4.3 Exceptional transport

“Exceptional transport” (ET) is any towed form of transportation in which:

- the rolling stock is not approved for the use of train paths and/or
- the load does not comply with the loading guidelines published by the UIC and/or
- the load exceeds the Belgian loading gauge and/or
- the load exceeds the maximum permitted weight and/or
- a load, taking into account its flexible characteristics, is borne by multiple wagons.

Special conditions apply to such transports. The regulatory provisions governing the movement of exceptional transports are described in the documents below:

- RDEI 443 – *Exceptional transports*
- RDEI 423 – *Movement of exceptional transports.*

The process for the allocation of the capacities for exceptional transports is set out in point 4.7.1. and information on the relevant  services is given in point 5.4.3.

The contact details for the office responsible for studies prior to the authorisation of an exceptional transport can be found in point 1.6.1.

### 3.4.4 Dangerous goods



The transport of dangerous goods by rail is legislated by the Royal Decree dated 2 November 2017 *relating to the transport of dangerous goods by rail, excluding explosive and radioactive substances* and by the regulation relating to the international carriage of dangerous goods by rail (RID). This document lists the dangerous goods (i.e., raw materials or objects) of which the international carriage is prohibited and the dangerous goods of which the international carriage is

authorised, as well as the conditions imposed on such goods.

In Belgium, the movement by rail of certain dangerous goods is subject to certain requirements set out in RDEI 441 – *The trains*.

For details on the process for allocating capacities for the transport of dangerous goods, see point 4.7.2 and for the relevant services, see point 5.4.4.

The contact details of the office concerned can be found in section 1.6.1.



### 3.4.5 Test trains and other special trains

In accordance with Article 8 of the Railway Codex, in the context of the authorisation to place rolling stock that uses train paths into service, the infrastructure manager shall make railway infrastructure available to notified and designated bodies (see <https://mobilit.belgium.be/nl/spoor/professioneel-spoorvervoer/vergunningen-en-attesten/aangewezen-instanties-debo-en-aangemelde>) and railway undertakings for carrying out planned material tests in accordance with the provisions of Title 6 of the Railway Codex and in compliance with safety rules.

Without prejudice to this Article 8, whenever it is necessary to carry out tests in order to obtain the documentary evidence to the technical compatibility referred to in article 21, paragraph 3, sections (b) and (d) of Directive (EU) 2016/797, in the context of vehicle authorisations for placing on the market, the infrastructure manager, in consultation with the applicant, shall make every effort to ensure that any tests can be carried out within a period of three months from the receipt of the complete application (article 179/6 of the Railway Codex).

Furthermore, without prejudice to Article 8 of the Railway Codex, for the purposes of paragraph 1 of article 179/12 of the Railway Codex, i.e., as part of the checks that an infrastructure user must carry out before using a vehicle in the area of use specified in its authorisation for placing on the market, the railway undertaking may carry out tests in cooperation with the infrastructure manager.

To carry out these test runs - on infrastructure that is out of commercial service - a test fee is due to the infrastructure manager (see point 5.3.4.2).



## 4 Capacity allocation

### 4.1 Introduction

The procedure for the allocation of capacities is described in this fourth chapter. A distinction is made between capacity in terms of train paths  on the one hand (see points 4.2 to 4.8, Infrabel as the infrastructure manager) and local capacity  on the other hand (see point 4.9, Infrabel as a service facility operator).

The conditions which apply to the use of pre-arranged paths and reserve capacity on freight corridors referred to in point 1.9, including the allocation of paths by the relevant C-OSS, are described in *Book IV of the Corridor Information Document* for each freight corridor.

### 4.2 General description of the process

#### 4.2.1 Bodies concerned

##### 4.2.1.1 Infrastructure manager

The infrastructure manager is the body to which requests for railway infrastructure capacity must be addressed and is responsible for allocating train paths for that capacity (Article 9(1) and Appendix 1, point 1, a) of the Railway Codex).

However, there is an exception for pre-arranged train paths and reserve capacity on freight corridors, for which requests must be addressed to the C-OSS, according to Regulation (EU) 913/2010. The C-OSS is also responsible for the corresponding allocation (see point 4.2.1.3).

According to Article 28 of the Railway Codex, the infrastructure manager is entitled at any time to offer any remaining capacity to any interested party.

##### 4.2.1.2 Applicants

Railway undertaking applicants (see point 3.2.1.1) and non-railway undertaking applicants (see point 3.2.1.2) can submit a capacity request or a request for a capacity study study (the latter is not permitted in real time). Chapter 3 defines the necessary requirements for submitting a capacity request.

##### 4.2.1.3 One-Stop Shop

A network of One-Stop Shops (OSS) represents the infrastructure managers in international traffic. These One-Stop Shops constitute a single point of contact for the entire international route, for all questions about access to the network, international train path requests and performance assessments after a train journey.

A list of OSS contact persons in Europe is available at <https://rne.eu/organisation/oss-c-oss>. The contact details of the Belgian OSS are given under point 1.6.1.

##### 4.2.1.4 Corridor One-Stop Shop

Besides the OSS, there are also Corridor One-Stop Shops (C-OSS, see section 1.7.1) that allocate the specific capacity on the freight corridors. Consequently, if an applicant wishes to reserve a pre-arranged path or reserve capacity on the freight corridors, he should contact the C-OSS of the relevant freight corridor. Contact details can be found in point 1.6.7.

In accordance with Regulation (EU) 913/2010, the decision on the allocation of the pre-arranged paths and the reserve capacity on the freight corridors shall be taken by the C-OSS concerned on behalf of the infrastructure managers and shall be communicated to the infrastructure managers concerned, as well as to the applicants.

The conditions which apply to the use of the freight corridors are described in section 4 of the *Corridor Information Document* for each corridor.

#### 4.2.1.5 Regulatory body - The Regulatory Body for Railway Transport and for Brussels Airport Operations

The powers of the regulatory body, in particular regarding the allocation of infrastructure capacity, are described in points 1.3.3.1 to 1.3.3.2.

In particular, as part of its monitoring tasks, the regulatory body shall ensure that the allocation of railway infrastructure capacity complies with the provisions of the Railway Codex, its implementing decrees and the network statement (Article 62, paragraph 3, 3° of the Railway Codex).

In order to fulfil his task in relation to handling complaints, any applicant may submit a written complaint to the regulatory body, in particular to appeal against decisions of the infrastructure manager where he considers he has been unfairly treated, discriminated against or is the victim of any other disadvantage, including with regard to the procedure for the allocation of infrastructure capacity, its results and the obligations arising therefrom (Article 62, paragraph 5, 2° of the Railway Codex).

In addition, at the request of an applicant or of the infrastructure manager, the regulatory body shall, within ten working days, take a decision on any dispute relating to the allocation of railway infrastructure capacity (Article 62, paragraph 4, 1° of the Railway Codex) in order to fulfil its task of dealing with disputes administratively. The procedure to be followed in this case is described in the Royal Decree of 21 March 2007 *on the administrative handling of disputes relating to the allocation of railway infrastructure capacity* (Articles 2 to 5).

For the other powers of the regulatory body, reference is made to the Railway Codex and to the website of the regulatory body (<https://www.regul.be/nl/spoorwegen>).

#### 4.2.2 Process for capacity requests

The table below shows the relationship between the types of requests, the submission deadlines and the Infrabel division responsible for processing them:

		Period of introduction by candidates	Division of Infrabel in charge of processing requests
Feasibility studies for timetable Y	<b>Feasibility Studies</b>	Up to the third Monday in January Y-1	<b>Annual Capacity Management (long term)</b>
Capacity requests for timetable Y during the timetabling process	<b>New Path Requests</b>	From 15 December Y-2 up to and including the second or third Monday or Tuesday of April Y-1	<b>Annual Capacity Management (long term)</b>
Capacity requests for timetable Y outside the timetabling process	<b>Late Path Requests</b>	From the second or third Tuesday or Wednesday of April Y-1 up to and including the second or third Monday of October Y-1	<b>Annual Capacity Management (long term)</b>
	<b>Ad Hoc Requests</b>	From the second or third Tuesday of October Y-1 up to and including the second Saturday of December Y	For the following PERT period <b>Annual Capacity Management (long term)</b> <hr/> Within the current PERT period (until D-2) <b>Running Capacity Management (short term)</b> <hr/> Within the current PERT period (from D-2) <b>Central Dispatch (real time)</b>

Y = year of the timetable for the current network statement.

The conditions which apply to pre-arranged paths and reserve capacity on the freight corridors referred to in point 1.7.1, including the allocation of train paths by the C-OSS concerned, are described in section 4 of the *Corridor Information Document* for each corridor.

#### 4.2.2.1 General principles

##### 4.2.2.1.1 General principles

Any request for a capacity study or capacity request may relate to one of the following categories:

- freight trains (including those with exceptional transports)
- empty run of freight service
- passenger trains (including historic trains)
- empty run of passenger service
- technical trains
- empty run of technical trains.

Capacity requests for the above categories must be submitted in accordance with the timetable and phases described in point 4.5 and the rules set out in the following points.

#### 4.2.2.2 Applications for submitting capacity requests

	Long term	Short term	Real time
<b>International requests</b>	<p><b>New Path and Late Path Requests:</b> via the PCS application (<i>Path Coordination System</i>) or via the <i>Book In</i> application.</p> <p><b>Duplicate requests, i.e., identical applications introduced in both systems, are not allowed.</b></p> <p><b>Ad Hoc requests:</b> Via the application <i>Book In</i>.</p> <hr/> <p>The PCS app must be used for pre-arranged train paths and reserve capacity (freight corridors).</p> <p>The PCS application must be used to apply for capacities in the context of the TTR pilot project (see point 4.9.4).</p> <hr/> <p>If an application is not available, the applicant is given the option of using the other application or the forms in the appendices below, if permitted:</p> <hr/> <ul style="list-style-type: none"> <li>– B.1.1 (freight)</li> <li>– B.1.3 (passengers / technical runs)</li> </ul>	<p><b>Ad Hoc Requests:</b> Via the application <i>Book In</i>.</p> <hr/> <p>If Book In is not available, applicants must use the forms in the following appendices:</p> <hr/> <ul style="list-style-type: none"> <li>– B.1.2 (freight)</li> <li>– B.1.3 (passengers / technical runs)</li> </ul>	<p><b>Ad Hoc requests:</b> Via the <i>Book In</i> application.</p> <hr/> <p>If Book In is not available, applicants must use the forms in the following appendices:</p> <hr/> <ul style="list-style-type: none"> <li>– B.1.2 (freight)</li> <li>– B.1.3 (passengers / technical runs)</li> </ul>
	<p>For the modification of the train paths due to an (inter)national incident or works abroad with impact on the Belgian network, the <i>Book In</i> application must be used.</p> <p>As long as the train path has not been allocated, any modification/cancellation of the capacity request by the applicant must be made via the application used to submit the request. If not, the modification or cancellation request will be refused. Once the train path has been allocated, any modification/cancellation of the train path must be submitted by the applicant through one of the two applications mentioned above.</p>		
<b>National requests</b>	<p>Mandatory via the <i>Book In</i> application, unless it is not available. Only in case of unavailability of <i>Book In</i>, the capacity forms in appendices B.1.1, B.1.2 and B.1.3 must be used.</p>		

The infrastructure manager will reject any capacity request submitted in any other manner (for example, by phone or by email without the request form, etc.).

The *Book In* application is available on the *Business Corner* of Infrabel. In order to be able to use it, applicants must submit a request via their Key Account Manager.

For the coordination of international train path requests, RailNetEurope has developed the Path Coordination System (PCS) application, which is freely available on the <https://pcs.rne.eu/> website. PCS is intended for railway undertakings and other applicants, infrastructure managers, allocation bodies and freight corridors. The internet-based application optimises international path coordination by ensuring that path requests and offers are harmonised by all involved parties. Furthermore, PCS is the only tool for publishing the binding PaP and RC offer (see chapter 4 of this network statement) and for managing international path requests on freight corridors. A user account can be requested via the RNE PCS Support: [support.pcs@rne.eu](mailto:support.pcs@rne.eu).

Requests for paths or a request for a capacity study entered using the forms defined in appendix B because the applications *Book In* or PCS was not available, are sent by e-mail to the office responsible (see point 1.6.1).

The infrastructure manager checks the validity of the request and processes it in accordance with the principles set out in point 4.5.

#### 4.2.2.3 Parameters of the capacity request

##### 4.2.2.3.1 Mandatory parameters

At the time of the capacity request, the applicant must specify all necessary parameters (length, load, traction unit, etc.) to enable the infrastructure manager to allocate the correct train path. These parameters are clearly indicated in the applications for capacity requests *Book In* and PCS.

The non-railway undertaking applicant is required to assign the railway undertaking that will be using its train path within the periods stated in point 3.2.1.2 of this document. The assignment must be stated in the "traction operator" field in *Book In* or "Appointing responsible RU" in PCS.

##### 4.2.2.3.2 Recommended parameters

When requesting capacity, it is furthermore strongly recommended that the applicant provides certain other parameters.

Furthermore, in order to enable the infrastructure manager to provide the best possible service, any applicant requesting capacity for a train departing from or arriving at a service facility, which is or is not the origin or destination of the train, is strongly advised to provide certain additional information. To this end, he is expected to include the following information in the application or in the form he has used to submit his capacity request:

- the origin and/or destination of the train, even if moved in partnership with another operator
- the expected duration of the stay in the facility in question
- the re-usage (re-use of equipment to ensure another journey)
- the name of the other railway undertaking providing the transport on departure or arrival of the train.

In addition, for all ad hoc requests relating to international transport, it is recommended for operational reasons that applicants complete their requests in advance with the international train number that the authorised infrastructure manager has assigned. The neighbouring infrastructure managers, as well as their contact details, can be found in appendix D.5.

When an applicant requests international capacity, he must also ensure that for the border point(s) concerned, a consistent, similar request is sent to the infrastructure manager(s) concerned. This means:

- same border point
- same journey characteristics at the border (same journey days)
- same border interval
- same technical parameters
- same type of request (New Path Request, Late Path Request or Ad-Hoc Request).

Furthermore, when an international freight transport is performed in partnership between two or more railway undertakings, it is desirable that the applicant indicates in his capacity request the name(s) of the railway undertaking(s) responsible for the said transport on the adjoining networks, in order to facilitate train path harmonisation. This information is automatically requested in the PCS application. In the Book In application this information can be entered in the field 'RU abroad' on the tab "Route information" of the capacity request.

Also, where a freight transport operation involves a domestic service in partnership between two railway undertakings, it is desirable that applicants indicate in their respective capacity requests the name of the railway undertaking - taking over or transferring, as the case may be. This information is automatically requested in the PCS application. In *Book In*, this information can be entered on the tab "Other information" of the capacity request.

Following a delegation of powers granted by the infrastructure manager *SNCF-Réseau*, Infrabel is responsible for allocating the international freight train numbers for the bilateral relationship between the Netherlands and Belgium. For all traffic covering more than these two countries, this allocation is no longer the responsibility of Infrabel. In order to ensure the correct allocation of the international train number for the whole journey, each applicant must indicate in the capacity request the departure station of his train path as well as the arrival station, even if they are located outside the Belgian and Dutch borders.

The numbering of trains is explained in appendix D.5.

To facilitate the processing of the capacity request and its harmonisation with *DB Netze*, it is strongly recommended that applicants mention the service interval in each capacity request that contains a route through the Montzen border point. The clock-face schedule agreed between Infrabel and *DB Netze* includes five train paths per hour per direction:

Montzen border point	
Direction Germany – Belgium	Direction Belgium – Germany
xxh01	xxh01
xxh13	xxh17
xxh25	xxh26
xxh37	xxh37
xxh49	xxh50

Similarly, when submitting a change request for a train path due to works abroad in the direction of Belgium, the applicant must mention in the "comments" field of *Book In* the number of the detour

document issued by the neighbouring infrastructure manager, which will enable Infrabel to harmonise the train path at the border.

#### 4.2.2.4 Passenger transport – Economic Equilibrium Test

In accordance with Article 31 of the Railway Codex and the procedures laid down in Commission Implementing Regulation (EU) 2018/1795 *laying down procedure and criteria for the application of the economic equilibrium test pursuant to Article 11 of Directive 2012/34/EU of the European Parliament and of the Council*, where an applicant intends to request infrastructure capacity with a view to operating a passenger transport service, it shall notify the infrastructure manager and the regulatory body at least 18 months before the entry into force of the timetable to which the capacity request relates.



The minister, the infrastructure manager or the railway undertaking performing the public service contract in question may, within one month of receiving this information, submit a request to the regulatory body to verify whether the exercise of this right would endanger the economic equilibrium of the public service contract if the exercise of this right concerned the same route as the public service contract in question or an alternative route.

The regulatory body shall motivate its decision and, if the proposed passenger transport service would compromise the economic equilibrium of the public service contract, shall indicate any adjustments that may be made to that service so that this right can be exercised.

In that case, he shall immediately inform the minister, who may propose, by Royal Decree issued after consultation in the Ministerial Council, to adopt a decision restricting this right of access. To this end, the aforementioned Royal Decree is brought to the attention of the infrastructure manager no later than two months after the decision of the regulatory body has been communicated to the minister.

The regulatory body has drawn up guidelines for the notification of a new rail passenger service within the framework of the economic equilibrium test procedure. These guidelines aim at clarifying the cases where a notification must, or must not, be submitted in accordance with the applicable regulations. These guidelines, as well as the notification form, can be found on the website <https://www.regul.be/en/rail-transport/>, in the “Economic Equilibrium” section.

## 4.3 Reserving capacity for Temporary Capacity Restrictions

### 4.3.1 General principles

#### 4.3.1.1 Task of the infrastructure manager

Among the public tasks of the Belgian railway infrastructure manager are the maintenance, renewal, extension and modernisation of its network.



Thus, the challenge for the infrastructure manager is to plan and coordinate the many infrastructure works while continuing to manage rail traffic. To this end, it takes within the framework of capacity management all appropriate measures to ensure that everything runs smoothly.

In order to plan and organise all these capacity constraints, the infrastructure manager faces many internal and external challenges and constraints:

- ensure the safety of on-site employees
- allow a grouping of works by speciality when possible (= combination of works)
- increase site productivity
- reduce maintenance and renewal costs
- take into account the requests expressed by the applicants and their satisfaction
- take into account the availability of contractors
- obtaining building permit applications
- meeting environmental obligations
- ...

In order to respect European terminology, the term 'temporary capacity restriction' (TCR) is henceforth used.

#### 4.3.1.2 Principles derived from European law

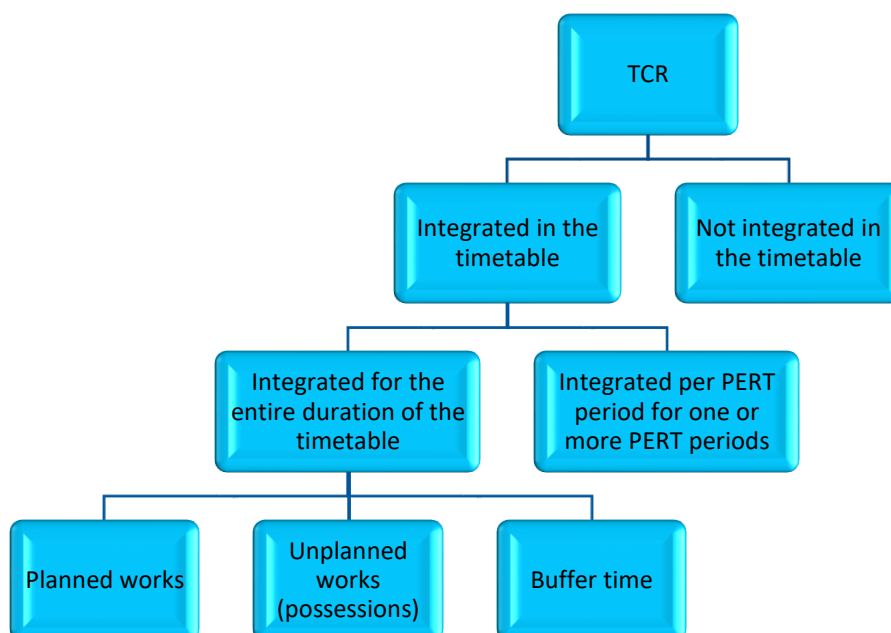
With a view to the international harmonisation of TCR coordination and publication processes, Annex VII to Directive 2012/34/EU, as provided for by the Commission's Delegated Decision 2017/2075, sets out the arrangements for coordination and publication of the TCR and the way in which candidates are involved in the process.

More specifically, Annex VII provides for TCR consultation and publication deadlines, depending on the type of TCR, on the basis of its duration and its impact on daily traffic on a line (see point 4.3.2.1).

In addition, Annex VII also sets out the deadlines for the coordination of the TCR with the other infrastructure managers that may be involved in the case of a TCR whose impact is not limited to a single network. Here, too, the TCR coordination deadlines depend on the type of TCR, the duration and the impact on daily traffic on a line. The conditions are explained by RailNetEurope in a document entitled "*Guidelines for Coordination/Publication of Planned Temporary Capacity Restrictions for the European Railway Network*", which can be consulted via this link: <https://rne.eu/wp-content/uploads/2022/10/TCR-Guidelines.pdf>. They are supplemented by the "*Procedures for Temporary Capacity Restriction Management*" manual, which can be accessed at [https://cms.rne.eu/system/files/hb\\_tcr\\_1.0\\_2021-12-07\\_2.pdf](https://cms.rne.eu/system/files/hb_tcr_1.0_2021-12-07_2.pdf).



### 4.3.1.3 Integrating TCR into the timetable



When drawing up the timetable, Infrabel distinguishes between different categories of temporary capacity restrictions:

- TCRs included in the timetable, including during intermediate changes (PERT)
- TCRs not included in the timetable.

TCRs included in the timetable may be included:

- either for the full period of validity of the timetable
- or per PERT period, for one or more PERT periods if these TCRs do not affect the entire period of validity of the timetable but cover at least one PERT period.

Infrabel publishes the list of TCRs included in the service timetable 12 months before it enters into force. This list is updated at the latest 4 weeks before each new PERT period.

There are two categories of TCR included for the entire duration of the timetable:

- Scheduled works: a line or section of a line is completely closed off for a long period of time or for certain days or time slots on a regular and repetitive basis
- Unscheduled works: in this case, possessions are provided to enable these works to be carried out. These possessions make it possible to carry out interventions that cannot be planned in the long term, such as repair work, changes in planning due to unforeseen events, etc.

In addition, buffer times are included in the timetable to ensure robust train paths in case of works, single track service (STS) or temporary speed limits (TSLs) during the works.

TCRs not included in the timetable concern all other scheduled TCRs. This concerns in particular TCRs with a duration less than a PERT period, but which can last several days, weeks or weekends (see point 4.3.2.2).

Additional information on the concepts developed above can be found in appendix B.7.

## 4.3.2 Deadlines and information provided to applicants

### 4.3.2.1 Publication of Temporary Capacity Restrictions

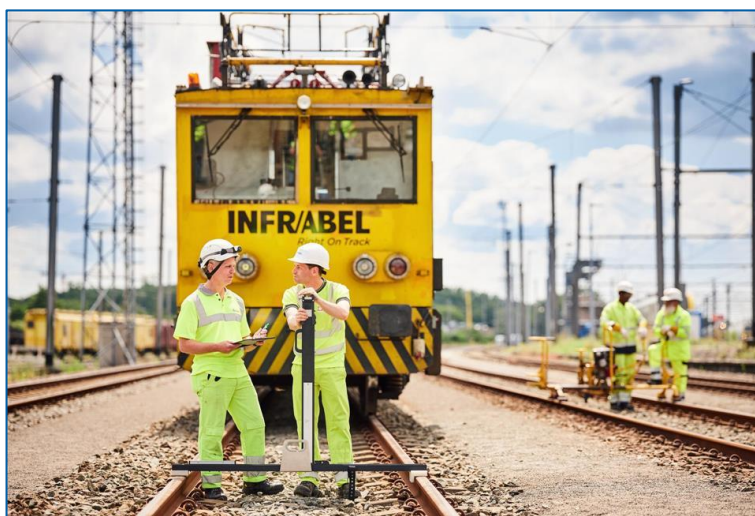
With a view to the international harmonisation of TCR coordination and publication processes, Appendix VII to Directive 2012/34/EU classifies the nature of the infrastructure works into different categories according to their duration and impact on rail traffic (= estimated traffic cancelled, diverted or replaced by other means of transport) and provides for publication deadlines according to the said TCR categories. These have been named MAJOR, HIGH, MEDIUM or MINOR by RailNetEurope (additional information can be found in the Guidelines for Coordination/Publication of Planned Temporary Capacity Restrictions for the European Railway Network and the *Procedures for Temporary Capacity Restriction Management*, see point 4.3.1.2)

MAJOR and HIGH TCRs include large-scale infrastructure works, such as all network renewal or extension works, which generally have a major impact on rail traffic and/or capacity and are of relatively long duration.

MEDIUM and MINOR TCRs cover those infrastructure works that have less impact on rail traffic and/or available capacity.

Finally, TCRs not included in Appendix VII include smaller infrastructure works announced during the current timetable that have a limited or non-existent impact on planned traffic (Ad Hoc TCRs).

The infrastructure manager organises regular meetings with applicants to inform them of the planned TCR, to consult them and to analyse together with them the adaptations to be made to the train service to enable the works to be carried out. At these meetings, applicants can, if they wish, express their views and propose alternative solutions. It is up to the infrastructure manager to analyse these alternative solutions and their impact on the organisation of the works and select an appropriate solution to carry out the works in the best possible circumstances, while taking into account the interests of the parties concerned.



These meetings, as well as the TCRs that are discussed there, are listed below:

Type of meeting	Subject
<u>Biannual meetings</u>	Information and consultation of applicants about Major, High and Medium TCR. <u>June Y-3 (X-30):</u> First information to the applicants, about the Major TCRs and, as far as possible, first relevant information known about the High TCRs and TCRs with international impact.  <u>November/December Y-3 (X-25/24):</u>

Type of meeting	Subject
	<p>Communication to applicants of known Major TCRs and High TCRs and, as far as possible, communication of relevant known information about TCRs with international impact with the following details: period, duration, line section affected and, where appropriate, capacity on diversionary lines..</p> <p><u>June Y-2 (X-18):</u> Communication to applicants of the result of the coordination of Major TCRs and, as far as possible, of the result of the coordination of High TCRs and TCRs with international impact.</p> <p><u>November/December Y-2 (X-13/12):</u> Communication to the applicants of the result of the coordination of High and Medium TCRs.</p>
<u>Monthly meetings</u>	Communication to the applicants of the "passenger" sector of all known TCRs for the month M+5.
<u>Special Train Service (STS) Meetings</u>	Analysis with the applicants of the adjustments to the timetable, by Area, following the TCRs not included in the timetable.
<u>Specific meetings (SIRU - Specific Information Railway Undertakings)</u>	For major modernisation projects: monitoring the project phasing and progress. Their frequency depends on the size and complexity of the project.

Appendix B.6 lists the measures and deadlines for their publication for each TCR category.

Infrabel also consults the leading operators of the service facilities affected by the TCRs - and possibly the other undertakings connected to the railway network - before publishing the TCRs. These undertakings can also give their opinions on the planned TCRs, which Infrabel will take into account as far as possible.

The infrastructure manager publishes the list of TCRs (with the exception of Ad Hoc) and their updates on the *Business Corner* as scheduled in appendix B.6.

#### 4.3.2.2 Formalisation of the Temporary Capacity Restrictions and publication of the bulletin

All TCR are announced officially by means of the infrastructure manager issuing a "works" bulletin.

In the case of TCRs not included in the timetable and requiring an adaptation to the train service, these are notified to applicants via a "train service" bulletin. The analysis of the adaptation of the timetable begins between 16 and 10 weeks before the start of the works, taking into account the needs expressed by the applicant concerning the route and the timetable, while observing the general robustness of the system. The adjustment of the timetable, in other words the alternative, is developed in dialogue with the applicant. The analysis ends no later than 28 days before the start of the works, if both parties reach agreement on the alternative to be introduced.

These two types of bulletins are produced at the latest 28 days before the start of the works and are sent to the applicants. The bulletins are also available on the *Business Corner* via the *Daily In* application.

The contact details of the work coordination offices are given in point 1.6.1.

#### 4.3.2.3 Urgent works

See point 6.3.3 on this subject.

## 4.4 Impacts of framework agreements

Not applicable.

## 4.5 Processing of capacity requests and procedure for the allocation of train paths

### Introductory remarks on train path allocation and coincidence with TCRs

Capacity requests shall be submitted and processed in accordance with the timetable and phases described in points 4.5.1 to 4.5.5 below.

The infrastructure manager allocates the requested train path if capacity is available.

In the event of coincidence with TCRs included in the timetable, the following rules shall apply:

- In the case of TCRs included for the full period of validity of the timetable, an alternative shall be proposed in the timetable (in the draft/final offer), to the extent possible and after consulting with the applicants. If the applicant does not refuse the alternative train path, it will be allocated in the final offer. If the applicant refuses the alternative or there is no viable alternative, the train path will be refused.
- In the case of TCRs included in the timetable for at least the duration of a PERT period, an alternative shall be completed, after consultation with the applicants, no later than the end of the PERT period (i.e. one month before the start of the PERT period), as far as possible. If the applicant does not refuse the alternative train path, it will be allocated. If the applicant refuses the alternative or if there is no viable alternative, the train path will be refused.

In the case of coincidence with TCRs not included in the timetable, the following rule shall be applied:

- As far as possible, the alternative shall be worked out in dialogue with the applicant and the detailed management of the possible train rerouting carried out through the publication of a "train service" bulletin (see point 4.3.2.2).

Refusal of the alternative train path must be made by e-mail.

The alternative train path shall be proposed on the basis of the commercial needs expressed by the applicant. Where appropriate, the dossier shall be considered as a single application and the applicant shall not be required to submit a new request.

If the works are not carried out, the procedure set out in point 4.8.2.2 shall apply. At the end of this procedure the capacity will, if necessary, be released at short notice and can be used for ad hoc path requests. Appendix B.7 describes the TCR types and Appendix B.8 shows the process of capacity allocation (*New Path Request, Late Path Request or Ad-Hoc Request*) in the case of coinciding with TCR.

The user of a train path must always respect the allocated path and the operating conditions. This implies in particular respecting the allocated journey times and the technical compatibility of the train composition with the network.

More information on drawing up and publishing timetables can be found on the Business Corner.

### Compulsory cooperation between Infrabel and service facility operators

Where necessary, Infrabel cooperates with the operators of service facilities to ensure that the allocation of infrastructure capacity and service facility capacity is coherent, in particular to comply with Article 7 §2 (1) of Commission Implementing Regulation (EU) 2017/2177 of 22 November 2017

on access to service facilities and rail-related services. Infrabel therefore contacts the service facility operators annually to check whether or not they wish to cooperate. Where appropriate, a meeting is scheduled in the period between the publication of the draft international timetable and the deadline for Infrabel to provide a final answer (see point 4.5.1). In addition to this annual meeting, Infrabel and service facility operators cooperate when the situation requires it. The applicants concerned may, at their request, be involved in this cooperation. However, this cooperation does not imply any obligation for Infrabel to achieve a result.

In accordance with Article 33 of the Railway Codex, the deadlines imposed for capacity allocation process are provided in Annex VII of Directive 2012/34/EU. This Directive stipulates that the timetable shall enter into force at midnight on the second Saturday in December. In order to transpose and supplement the legal requirements, RailNetEurope establishes annually a precise planning for each preparatory phase of the timetable. These are described below.

### 4.5.1 New path requests

For the drafting of the 2023 Annual Timetable, RNE determined the following target dates and periods:

Feasibility studies		
Deadline for filing of feasibility study requests	17 January 2022	Applicant
Deadline for replies to the feasibility study requests	14 March 2022	Infrabel
New path requests		
Finalisation of pre-arranged paths catalogues	10 January 2022	Infrabel and C-OSS
Submission of capacity requests ( <i>New path requests</i> ) *	From 13 December 2021 to 11 April 2022	Applicant
Establishment of the draft service timetable	From 12 April 2022 to 4 July 2022	Infrabel
Technical meeting	From 13 June 2022 to 16 June 2022	Infrabel and other IMs
Publication of the draft international service timetable (draft offer)	4 July 2022**	Infrabel
Applicant observations and comments	From 5 July 2022 to 5 August 2022***	Applicant
Deadline for the provision of a final reply to the clients (final offer)	22 August 2022	Infrabel

\* If the second Monday in April is Easter Monday, the deadline is extended by one working day.

\*\* The maximum period provided for in the Railway Codex is four months from the deadline for the submission of requests.

\*\*\* Applicants always have a statutory period of one month from the publication of the draft timetable to submit their comments and observations.

### Start of validity

Start of validity of the 2023 service timetable      11 December 2022 at 00:01

The I-CBE.332 office (Annual Capacity Management) is responsible for processing this type of requests. Requests that are exceptionally submitted via the documents mentioned in point 4.2.2.2 in the event of the unavailability of *Book In* or PCS must be delivered to this office. Contact details are given in point 1.6.1.

Capacity requests submitted to the C-OSS of the freight corridors in the context of drafting the annual timetable broadly follow the same principles as the RNE planning. For more information, see the Corridor Information Document (see point 1.7.1).

### 4.5.2 Late path requests

Requests submitted within the deadlines (New Path Requests, see point 4.5.1) take priority over those submitted outside the deadlines (Late Path Requests and Ad Hoc Path Requests, see points 4.5.2 and 4.5.3), i.e., after the second Tuesday in April Y-1. In the event of a conflict between a request submitted outside the deadlines and one submitted within the deadlines, the infrastructure manager shall propose alternatives to requests submitted outside the deadlines.

The table below shows the planning for Late Path Requests for the 2023 timetable:

Late path requests		
First day for the submission of late path requests	12 April 2022	Applicant
First day for replies to late path requests	23 August 2022	Infrabel
Last day for the submission of late path requests	17 October 2022	Applicant
Last day for replies to late path requests	14 November 2022	Infrabel

Once the deadline for providing a final response to New Path Requests has passed, Late Path Requests are processed within the time limits laid down in Article 36 of the Railway Codex, i.e., within the following periods:

- up to 5 working days for punctual requests (i.e., train path requests for a single journey day)
- up to one month for other requests.

The allocation of these train paths is formalised by means of a notice in PCS or an e-mail sent by *Book In*, supplemented by a “train sheet” or a “train service” bulletin sent by e-mail. The applicant must check the allocated train path and report any anomalies to Infrabel as soon as possible.

The I-CBE.332 office (Annual Capacity Management) is responsible for processing this type of requests. Requests that are exceptionally submitted via the documents mentioned in point 4.2.2.2 in the event of the unavailability of *Book In* or PCS must be delivered to this office. Contact details are given in point 1.6.1.

### 4.5.3 Ad hoc path requests

Ad hoc path requests are requests submitted to the infrastructure manager after the last day for submission of Late Path Requests. For the 2023 timetable, RNE foresees the following date:

Ad hoc path requests		
First day for ad hoc path requests	18 October 2022	Applicant

Ad hoc path requests can be long-term, short-term and real-time and shall be processed within the time limits laid down in Article 36 of the Railway Codex, i.e., within the following periods:

- up to 5 working days for punctual requests (i.e., train path requests for a single journey day)
- up to one month for other requests.

Once the allocation of the train path has been formalised by Infrabel, the applicant must check the allocated train path and report any anomalies to Infrabel as soon as possible.

#### 4.5.3.1 Long-term timetable requests

During its period of validity, the timetable may be subject to modifications, occurring on certain dates. Such modifications are announced as intermediate modifications (PERT periods). The list of application dates, i.e. the start dates of the PERT period, as well as the deadlines for submitting (modification) requests for paths for the period concerned, is given below. These dates are fixed by joint agreement between the various infrastructure managers and railway undertakings at the RNE and FTE (Forum Train Europe) meetings. They are also published on the sites <https://www.forumtraineurope.eu/home/> and <https://rne.eu>. Requests submitted after the deadlines will be processed in the short term (see point 4.5.3.2) or in real time (see point 4.5.3.3).

The table below shows the dates set for the 2023 timetable:

	Submission deadlines	Application date
1 <sup>st</sup> period	/	11 December 2023
2 <sup>nd</sup> period	12 December 2022	6 February 2023
3 <sup>rd</sup> period	13 February 2023	7 April 2023
4 <sup>th</sup> period	17 April 2023	11 June 2023
5 <sup>th</sup> period	10 July 2023	4 September 2023

The allocation of these train paths is formalised by means of a notice in PCS or an e-mail sent by *Book In*.

The I-CBE.332 office (Annual Capacity Management) is responsible for processing this type of requests. Requests that are exceptionally submitted via the documents mentioned in point 4.2.2.2 in the event of the unavailability of *Book In* or PCS must be delivered to this office. Contact details are given in point 1.6.1.

#### 4.5.3.2 Short-term requests

The deadline for submitting short-term capacity requests is set at D-2 (working days) before the journey day at 10 a.m. For capacity requests that are submitted within this deadline, the “train service”



bulletin will be published at the latest on D-1 (working day), before the journey day, at 12 noon, except in cases of force majeure, incidents with a major impact on rail traffic or strikes.

Exceptions to the deadline are made in the following cases:

Type of request	Deadline submission of request (working days)	for the Publication of the “train service” bulletin (working days)
Exceptional transport with restriction on the scheduled route	Up to 10:00 on D-6	Up to 12:00 on D-2
Ordinary transport or exceptional transport not subject to restrictions on the scheduled route (requested speed $\leq 60$ km/h) <sup>1</sup>	Up to 10:00 on D-4	Up to 12:00 on D-1

<sup>1</sup> Cf. Runs using historic trains.

Capacity requests submitted after this submission deadline or which, due to an exceptional situation cannot be processed on time, will be processed in real time (see point 4.5.3.3 below).

If the submission deadline is not met for the mentioned request types, timely publication of the “train service” bulletin cannot be guaranteed and requests may be processed in real time. Except for “exceptional transport with restrictions”, for which requests submitted outside the deadline will be refused for operational and safety reasons.

The allocation of these train paths is formalised by means of a notice in PCS or an e-mail sent by *Book In*, supplemented by a “train service” bulletin sent by e-mail.

The “train service” bulletin contains the data relating to the timetables of trains and/or empty runs as well as all the other information from the infrastructure manager and the information requested by the applicant which is useful for the movement of the trains and/or empty runs concerned. The date of application of the bulletin is the date of the first journey day mentioned on the bulletin.

The I-CBE.322A office (Running Capacity Management) is responsible for processing this type of request, with the exception of the "Exceptional Transport" capacity requests, which are handled by I-CBE.322B (Running Capacity Management). Requests that are exceptionally submitted via the documents mentioned in point 4.2.2.2 in the event of the unavailability of *Book In* or PCS must be delivered to the corresponding offices. Contact details are given in point 1.6.1.

#### 4.5.3.3 Real-time requests

Applicants may also request capacity outside the deadlines laid down for short-term requests, apart from exceptional transports with restrictions on the scheduled route (see point 4.5.3.2).

The allocation of these train paths is formalised by means of a notice in PCS or an e-mail sent by *Book In*, supplemented by a “train service” bulletin sent by e-mail.

The I-TO.11 office (Central Dispatch) is responsible for processing this type of requests. Requests that are exceptionally submitted via the documents mentioned in point 4.2.2.2 in the event of the unavailability of *Book In* or PCS must be delivered to this office. Contact details are given in point 1.6.1.



#### 4.5.4 Coordination process for international train paths

When the infrastructure manager receives capacity requests to create an international train path, he confers with the neighbouring infrastructure managers, in order to offer harmonised train paths, as far as possible. This coordination takes place within the framework of cooperation within RNE.

In particular, according to Article 34(3) of the Railway Codex, regarding New Path Requests, the international train paths as agreed between different infrastructure managers shall be included in the draft timetable before the start of consultations on this matter (draft offer). This train path offer is the result of discussions between infrastructure managers during the technical meeting held before the draft offer is published. These different stages and their order are explained in point 4.5.1.

The One-Stop Shop (see point 4.2.1.3) facilitates the international harmonisation of train paths by facilitating communication between the infrastructure managers (and, where appropriate, the allocation bodies) involved for the creation of train paths and the respect of deadlines.

#### 4.5.5 Dispute resolution process

The infrastructure manager organises the coordination of competing requests in the path allocation process. The C-OSS processes the competing requests within the context of pre-arranged paths and the reserved capacity on the freight corridors. These different principles are explained below.

##### 4.5.5.1 Competing requests in the context of train paths allocation during the timetabling process (New Path Requests)

If the infrastructure manager encounters competing requests while the timetable is being drawn up, he endeavours to find the most suitable solution by coordinating these requests, in accordance with the provisions set out in article 40 of the Railway Codex.

The infrastructure manager attempts, through consultation with the applicants concerned, to resolve any conflicts that may arise.

Such consultation is based on the disclosure of the following information by the infrastructure manager to applicants within a reasonable period of time:

- the train paths requested by all other applicants on the same lines
- the train paths allocated to all other applicants on a provisional basis on the same lines
- the proposed train paths on the lines concerned
- the criteria used in the allocation procedure.

This information will be provided without revealing the identity of the other applicants, unless the applicants concerned have consented to their identity being disclosed.

During this coordination process, the infrastructure manager may propose, within reasonable limits, capacity other than that requested.

In applying this procedure, the infrastructure manager shall take into account the commercial and organisational needs of which it is aware and the following criteria, ranked in random order:

- harmonisation at border points
- public service obligations
- the best possible use of the available capacity.

The commercial and organisational needs taken into account by the infrastructure manager when proposing alternatives for setting reasonable limits are in fact (but not exclusively) the following:

- compliance with the origin and destination of the train

- compliance with requested operations and operational time
- the characteristics and composition of the train (and in particular the maintenance of the load and loading gauge)
- minimising the time difference between the requested departure and arrival times.

The applicant may indicate to the infrastructure manager his precise needs and the order of priority criteria to be taken into account by the infrastructure manager in developing alternatives.

Where it is not possible to propose alternatives without exceeding the reasonable limits defined above, the infrastructure manager shall inform the applicant concerned, who may agree to exceed the reasonable limits in order to facilitate a consensual solution for coordination.

In any event, the infrastructure manager shall attempt - in consultation with the applicant - to propose the alternative that best meets the applicant's needs.

In the event that applicants reject the alternative train paths, they are obliged to provide a written reply (by letter or email) within five working days of the date of notification of the proposal by the infrastructure manager. In the absence of a response within this period, the infrastructure manager shall consider the proposed alternative train paths to have been accepted by the applicant concerned.

Within five working days following receipt of the applicant's rejection by the infrastructure manager, and if the infrastructure manager is no longer in a position to propose other alternative train paths, the latter declares the infrastructure concerned to be 'congested'.

The procedure for coordinating competing *New Path Requests* is initiated, where appropriate, as soon as Infrabel starts processing the capacity requests, and is completed at the latest when the *final offer* is communicated (see dates in point 4.5.1). Where appropriate, the declaration of congested infrastructure is made no later than when the *final offer* is communicated.

The principles arising from a declaration of congestion are described in detail in point 4.6.

#### 4.5.5.2 Competing requests in the context of allocation of pre-arranged paths and reserved capacity in freight corridors

The C-OSS applies the priority rules in case of competing requests as described in the Framework for Capacity Allocation for freight corridors. This document can be consulted via the website of each corridor, specifically in Section 4 of the *Corridor Information Document* (see point 1.7.1).

#### 4.5.5.3 Competing requests in the context of train paths allocation outside the timetabling process and during the current timetable (Late Path Requests and Ad Hoc Requests)

In case of competing requests in the context of train paths allocation outside the timetabling process and during the current timetable, the infrastructure manager, when handling requests, takes into account the filing date (principle of First Come First Served - FCFS).

However, Infrabel may have to deviate from this principle:

- in order to comply with its obligations concerning performance for the benefit of the Nation as provided for in Article 150 of the performance contract between Infrabel and the Belgian State, by giving priority to this type of request if needed by the Federal Public Service (FPS) for Internal Affairs or the Ministry of Defence
- following the introduction of alternative transport plans (specifically, to ensure that the normal situation is restored following an accident/incident or in the event that weather warnings are published by the Royal Meteorological Institute (KMI) that have consequences for the organisation of rail traffic)

- in the case of requests that require a longer processing time due to their complexity, and especially in the following cases:
  - consultation with related infrastructure managers is required
  - additional consultation with the applicant is required
  - connections must be guaranteed
  - the requests concern multiple trains and/or multiple journey days.
 This exception applies without prejudice to observance of the periods provided for in Article 36 of the Railway Codex
- in the case of requests for "exceptional transport" that require a thorough study because this type of transport requires specific safety measures to be taken.

#### 4.5.5.4 Dispute resolution process

As mentioned in point 4.2.1.4, at the request of an applicant or the infrastructure manager, the regulatory body takes a decision on every dispute regarding the allocation of capacity (Article 62, paragraph 4,1° of the Railway Codex) within ten working days. The procedure to be followed in this case is described in the Royal Decree of 21 March 2007 (articles 2 to 5).

## 4.6 Congested infrastructure

### 4.6.1 Principles for a declaration of infrastructure congestion

In accordance with Article 41 of the Railway Codex, the infrastructure manager immediately declares the relevant infrastructure element to be "congested infrastructure":

- if, after coordinating the requested train paths and consulting with the applicants, it has not been possible to process the requests for railway infrastructure capacity to the satisfaction of all concerned (see point 4.5.5.1)
- if the infrastructure is expected to face the same scarcity in the near future (see point 4.6.2).

The information in point 4.6 on congested infrastructure and the announcement of the declaration of congestion to applicants are shown schematically in appendix B.4.1.

### 4.6.2 Declaration of congestion in the case of expected scarcity

*There are ongoing discussions between Infrabel and the Regulatory Body for Railway Transport regarding the declaration of congestion in case of an expected scarcity in the near future. This point will be completed once the discussions have been concluded.*

### 4.6.3 Allocation of train paths after a declaration of congestion

In accordance with Article 3 of the Royal Decree of 19 July 2019 *on the distribution of railway infrastructure capacities and the fee for the use of the railway infrastructure*, the infrastructure manager allocates New Path Requests on a section of the infrastructure that is congested, without prejudice to the capacity reserved for planned network maintenance, taking into account the following priorities:

- On the high-speed lines:
  1. High-speed trains
  2. Rapid passenger trains
  3. Other trains.

- On lines principally intended for freight transport:
  1. Rapid freight trains
  2. Slow freight trains
  3. Passenger trains
  4. Other trains.
- On lines principally intended for passenger transport:
  1. High-speed trains and rapid passenger trains
  2. Slow passenger trains
  3. freight trains
  4. Other trains.
- On the mixed lines:
  1. High-speed trains and rapid passenger trains
  2. Slow passenger trains and rapid freight trains
  3. Slow freight trains
  4. Other trains.

Where the application of the priority criteria does not make it possible to allocate a train path to one applicant rather than another, the infrastructure manager allocates in accordance with the same Article the train path to the applicant whose train path request produces the higher total level of user charges on the route envisaged on the Belgian railway infrastructure.

Appendix B.4.2 describes the application of the above principles in detail.

#### 4.6.4 Taking into account previous levels of path use

Pursuant to Article 43 (2) and (3) of the Railway Codex, the infrastructure manager takes into account the previous levels of use of the train paths when determining priorities in the allocation process and shall impose to waive a train path whose use over a period of at least one month is lower than a threshold determined by the infrastructure manager, unless such under-use would be due to reasons other than economic ones and beyond the control of the applicant concerned

Appendix B.4.2 describes the application of the above principles in detail.

In accordance with Article 4 of the Royal Decree of 19 July 2019 *on the distribution of railway infrastructure capacities and the fee for the use of the railway infrastructure*, the infrastructure manager shall, in the event of congested infrastructure, estimate the need for reserve capacity that must be available within the final timetable in order to respond quickly to foreseeable ad-hoc requests for capacity

#### 4.6.5 Consequences of the declaration of congestion


In accordance with Article 41 of the Railway Codex, the infrastructure manager carries out a capacity analysis within six months of the declaration of congestion, unless a draft expansion plan has already been approved (see below). The capacity analysis identifies the limitations of the railway infrastructure capacity and the reasons for this congestion, which do not allow the capacity requests to be met appropriately and proposes methods and measures to meet additional requests that could be taken in the short or medium term to remedy them. Article 6 of the Royal Decree of 19 July 2019 *on the distribution of railway infrastructure capacities and the fee for the use of railway infrastructure* stipulates that this analysis shall identify the reasons for the congestion of the relevant infrastructure section(s) and indicate the measures that can be taken in the short and/or medium term to overcome the lack of capacity. The analysis takes into account, among other things, the infrastructure, the

operating procedures, the nature of the various services offered, and the effect of all these factors on railway infrastructure capacity.

Within six months of completion of the capacity analysis, the infrastructure manager will submit a draft capacity expansion plan, after consultation with the users of the relevant congested railway infrastructure. The draft will state the reasons for the congestion, the probable development of traffic, the constraints weighing on the development of the railway infrastructure, the possible solutions, and their cost. A cost-benefit analysis of the possible measures is used to determine which measures will be taken to increase capacity, as well as the time schedule for their implementation. The draft shall be approved within three months by a Royal Decree adopted after consultation in the Council of Ministers.

## 4.7 Exceptional transport and dangerous goods

### 4.7.1 Exceptional transport

The applicant indicates in its capacity request whether it plans to incorporate exceptional transports in its train(s). If relevant, the applicant - in the relevant section of the capacity request - stipulates the provisional authorisation number assigned by the infrastructure manager (see point 5.4.3 for additional information on the  service). In the case of combined transport operating under the conditions of the permanent authorisation (see map C.2), the number of this authorisation must be entered in the "Other information" section of the capacity application in Book In. In the case of international transport, the authorisation number must be completed with the foreign authorisation numbers.

In cases where the PCS application is used, this data must be entered in the "Comments" section.

### 4.7.2 Transport of dangerous goods

Any applicant requesting capacity indicates in its request whether it plans to incorporate dangerous goods in its trains or not.

## 4.8 Rules after path allocation

The invoicing rules applicable to the cases described below can be found in point 5.6 of this document.

### 4.8.1 Rules for path modification by the applicant

#### 4.8.1.1 General principle for path modification

Any change by the applicant to an already allocated train path - and in particular any change to the composition of the train and/or route that might make it impossible to respect the allocated train path - shall be the subject of a path modification request. This application will be treated as a new path request, as described in point 4.2.2. Depending on the time it is submitted, this new request will be treated as a Late Path Request or Ad Hoc Request. Invoices relating to this path modification request shall be issued in accordance with point 5.6.1 of this document.

#### 4.8.1.2 Modifications to the timetable in the long term

During its period of validity, the timetable may be subject to modifications, occurring on certain dates. Such modifications are announced as intermediate modifications of the timetable.

The rules relating to these modification requests are the same as those applicable to long-term requests (see point 4.5.3.1).

The I-CBE.332 office (Annual Capacity Management) is responsible for processing this type of requests. Requests that are exceptionally submitted via the documents mentioned in point 4.2.2.2 in the event of the unavailability of *Book In* or PCS must be delivered to this office. Contact details are given in point 1.6.1.

#### 4.8.1.3 Modifications to the timetable in the short term

The applicants may apply for modifications to the service of trains outside the dates scheduled for the intermediate modifications.

The rules relating to these modification requests are the same as those applicable to short-term requests (see point 4.5.3.2).

The I-CBE.322A office (Running Capacity Management) is responsible for processing this type of request, with the exception of the "Exceptional Transport" capacity requests, which are handled by I-CBE.322B (Running Capacity Management). Requests that are exceptionally submitted via the documents mentioned in point 4.2.2.2 in the event of the unavailability of *Book In* or PCS must be delivered to the corresponding offices. Contact details are given in point 1.6.1.

#### 4.8.1.4 Modifications to the timetable in real time

The applicants may request adaptations to the train service outside the prescribed deadlines for short-term adaptations (see point 4.8.1.2), with the exception of exceptional transport with restrictions on the scheduled route.

The I-TO.11 office (Central Dispatch) is responsible for processing this type of requests. Requests that are exceptionally submitted via the documents mentioned in point 4.2.2.2 in the event of the unavailability of *Book In* or PCS must be delivered to this office. Contact details are given in point 1.6.1.

### 4.8.2 Rules for path alteration by the infrastructure manager

#### 4.8.2.1 Suspension or withdrawal of train paths

The infrastructure manager may suspend or withdraw the right to use the allocated capacity:

- without prior notice, in an emergency or in the event of absolute necessity due to disturbances that temporarily put the railway infrastructure out of use, for as long as is necessary to restore the facilities (Article 44 of the Railway Codex).
- in the event of a failure in accordance with point 6.3.3.1.

If possible, the infrastructure manager shall allocate another equivalent train path to the applicant as soon as possible.

The infrastructure manager notifies the holder of the train path by e-mail.

#### 4.8.2.2 Cancellation of work sites

In the event of cancellation of works, Infrabel consults the applicants in order to possibly cancel the adjusted timetable agreed in anticipation of the works.

In that case, it is up to Infrabel, in consultation with the applicant,

- to cancel the "train service" bulletin and if possible, re-establish the timetable or its intermediate changes by means of another "train service" bulletin
- or, to maintain the adjusted timetable agreed.

#### 4.8.2.3 Impact of works on allocated capacity

The RDEI 421- *Communications between the operating, management and control bodies of the IM and the IU* describes the measures that are to be taken when works cannot be carried out without amending the assigned capacities.

Without prejudice to the provisions of the track access agreement or the capacity agreement, restrictions or disruptions that affect traffic due to works do not result in any right to compensation from the infrastructure manager on the part of the holder of the capacity. The user charge is owed for the latest version of the capacity allocated at the applicant's request, unless the traffic is completely cancelled. In case of partial cancellation of the traffic, the user charge is due only for the part of the capacity that was actually used.

#### 4.8.3 Rules concerning non-usage by the applicant

Non-use of a train path means that the applicant has not cancelled the train path. In order to avoid penalties, applicants who know that they will not use their train path are advised to cancel as soon as possible (see point 4.8.4 below).

#### 4.8.4 Rules concerning cancellation by the applicant

Any holder of train paths may relinquish the use of all, or part of the train paths allocated. It exercises this right under the conditions laid down in 5.6.4.

Any request to cancel capacity, in full or in part, must be submitted in accordance with the procedures defined in point 4.2.2.1.

The train path released after total or partial cancellation shall be considered available again.

The capacity which has become available after the total or partial cancellation of train paths may be used by the infrastructure manager for the allocation of train paths during the Late Path Requests or Ad Hoc Requests process.

### 4.9 TTR for Smart Capacity Management

#### 4.9.1 Objectives of TTR

RailNetEurope (RNE) and Forum Train Europe (FTE), supported by the European Rail Freight Association (ERFA) are working on a project called TTR for Smart Capacity Management to harmonise and improve the timetabling system to increase the competitiveness of rail.

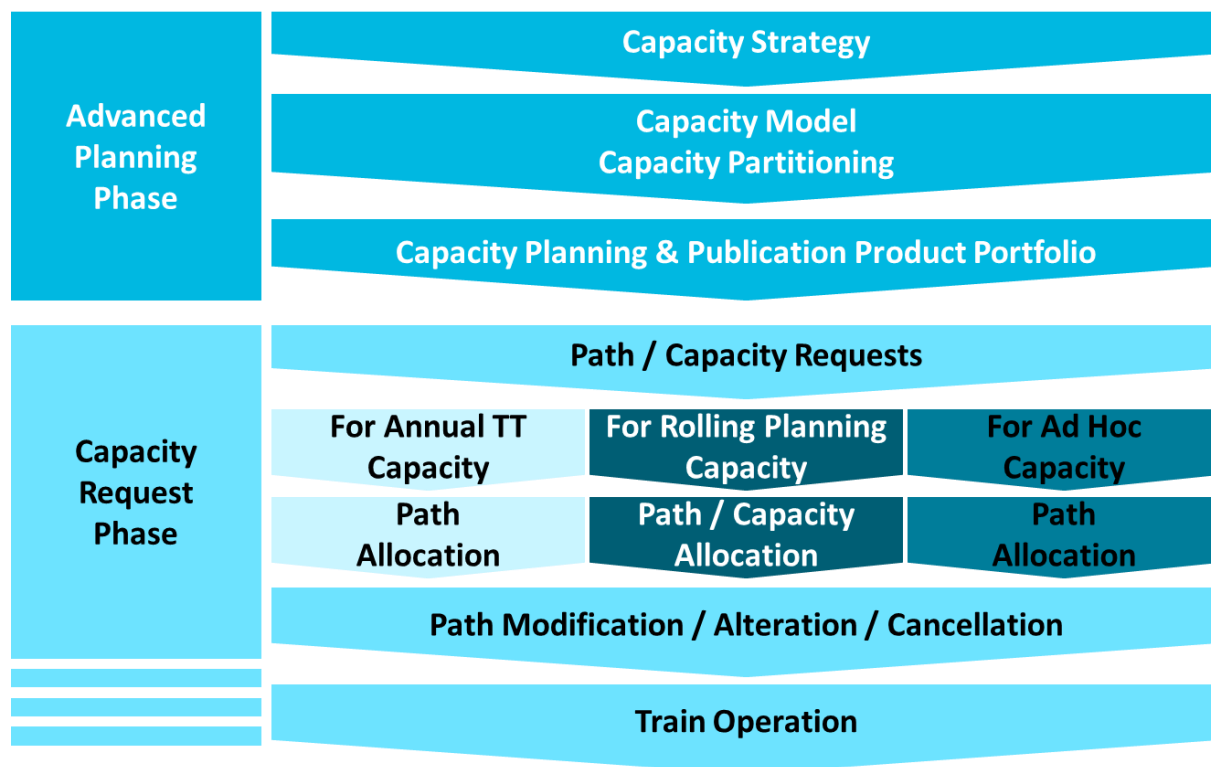
It consists of an improved planning of the capacity (including temporary capacity restrictions) and the capacity allocation process.

The purpose is to better serve market needs and achieve an optimised use of existing capacity. For passenger traffic it will mean earlier availability of the final timetable allowing earlier and more reliable ticket purchasing for passengers. For freight traffic, it will mean more possibilities for path request options closer to the first day of operation and thus more flexibility.

Some elements of TTR will be implemented with limited geographical scope within the current national and European legislative framework for the 2025 timetable.



## 4.9.2 Process components



The essential components are described in further detail below.

Capacity Strategy (X<sup>1</sup>-60 to X-36 months): The capacity strategy is the long-term capacity planning of the infrastructure manager for a dedicated line, a part of a network or entire network. The major aim of the capacity strategy is to provide a first overview of available capacity on the infrastructure in the future and of future capacity needs. It enables the infrastructure manager to share future capacity needs with neighbouring IMs and applicants and agree on the main principles to be used for the capacity model construction.

Capacity Model (X-36 to X-18 months) with Capacity Partitioning: The capacity model gives a more detailed definition of the demand forecast, and allows the partitioning of capacity into Annual Planning, Rolling Planning, and Temporary Capacity Restrictions and unplanned capacity. Applicants have the possibility to give input into the capacity model by announcing their capacity needs and can provide their reaction on the proposed capacity partitioning. The capacity needs announcements and the capacity model are described respectively in chapters 4.9.3.1 and 4.9.3.2.

International alignment on Temporary Capacity Restrictions: TCRs may occur in case of maintenance, renewal, or building of the infrastructure or other restrictions of use, which have an impact on the available capacity on a line. They refer to TCRs with major, high, medium and minor impact as well as to possessions (unavailability of paths due to e.g., maintenance). TCRs are necessary to keep the infrastructure and its equipment in good condition and to allow infrastructure development in accordance with market needs (see chapter 4.3 for more information).

<sup>1</sup> X stands for the day of timetable change 2025 only on the condition that the legal framework is adapted in time



Train path/Capacity Requests:

Capacity for Annual requests: Capacity to be coordinated at a defined deadline or made available for requests placed after this deadline.

Capacity for Rolling Planning requests: Dedicated capacity based on capacity bands for a defined time window or train path, with specific requesting deadlines.

Capacity for ad hoc requests: Unplanned capacity or residual capacity for requests after X-2 including in the current timetable.

Capacity for short-term ad hoc requests: Unplanned capacity or residual capacity for requests submitted less than 30 days before the first day operation.

### 4.9.3 Implementation

Infrabel participates in the project implementation at national level according to the common timeline as described in the following graph. Selected aspects of the TTR approach, especially some innovative process components are tested in pilots and/or via the minimum viable product (MVP) approach with the goal of evaluating the system and providing possible adjustments or improvements to the project (for more information see chapter 4.9.4) prior to national TTR process implementation, which will take place incrementally, taking into account the legal framework that is in place and IT-related developments. For the 2025 timetable, Infrabel opts for a partial implementation of the process elements below with a limited geographical scope.

The timeline below is valid only on the condition that the legal framework is adapted in time to enable the TTR process.



More information can be obtained from Infrabel's national TTR manager (see point 1.6.1).

#### 4.9.3.1 Capacity needs announcements

TTR provides for the means for applicants to communicate their capacity needs to Infrabel for X-26 months through a process yet to be described (at the earliest starting with the 2025 timetable in pilot form).

For capacity needs for international freight traffic via the freight corridors, the possibility already exists to submit capacity needs to the respective C-OSS via the "capacity needs survey". More information can be found in the Corridor Information Document of the freight corridors concerned.

Capacity needs announcements are considered as non-binding indications by applicants about expected future capacity needs.

In case Infrabel identifies overlapping capacity needs announcements, it will discuss with the applicants concerned with a view to identify possible solutions. Infrabel will use the information provided as input to the capacity model (see point 4.9.3.2). Under no circumstances can Infrabel guarantee the inclusion of all expressed capacity needs announcements into the final capacity model, nor can capacity needs announcements result in any priority in the following capacity allocation process.

#### 4.9.3.2 Capacity model

The capacity model for the 2025 timetable will be based on Infrabel's capacity strategy (see point 4.9.2.1), market requirements (e.g., new service plans) and TCRs (see point 4.9.2) and serves as the baseline for preparing the capacity supply. To fulfil this purpose, it assigns the capacity to the various commercial and technical needs ('capacity partitioning'), which generally are:

- Capacity for commercial traffic
- Capacity required for TCRs.

After the evaluation of capacity already consumed by TCR, the available commercial capacity is split between:

- Capacity available for annual timetable requests (see point 4.9.2)
- Unplanned capacity to be used later for ad-hoc requests.

#### 4.9.3.3 Capacity supply

Based on the capacity partitioning, Infrabel will, as of X-18, work on defining a concrete capacity supply in order to meet the many different commercial needs. The capacity supply can also encompass unplanned capacity.

In the case of cross-border lines, these activities will be harmonised with the neighbouring IM(s).

To allow applicants to plan and harmonise their requests, Infrabel will publish the capacity supply (in terms of bandwidths/slots/catalogue paths) at the latest by X-11, for the predefined geographic scope.

#### 4.9.4 TTR pilot project

In order to test the new process, especially some innovative process components, pilot projects across several European countries have been operational since timetable 2020. The purpose is to assess how the new TTR process effectively responds to the relevant objectives. It should also provide a possibility to adjust any critical aspects and make further adjustments before the actual implementation of the project and demonstrate first benefits for the market.

Infrabel is testing the new TTR processes in the Amsterdam - Brussel pilot. Further information related to the pilot can be found in the Pilot Information Document: <https://cms.rne.eu/ttr-pilots-communication-platform/paris-amsterdam-library>.

The railway lines on the Belgian network to which the Amsterdam - Brussel pilot project applies are the following:

Line	Route sections
L.0	Brussel-Noord – Brussel-Zuid
L.12	Y.Mariaburg – Essen Grens
L.12/1	Y.Driehoekstraat – Y.Sint-Mariaburg
L.27A	Y Driehoekstraat – Y.Schijn
L.12	Y.Luchtbal – Y.Sint-Mariaburg
L.25*	Antwerpen-Centraal – Y.Abeelstraat
L.25N	Y.Abeelstraat – Y.Albertbrug
L.36N	Y. Albertbrug – Brussel-Noord
L.4	Y Luchtbal – Meer Grens

The pilot project currently comprises four pillars:

- For the freight transport segment, capacity is guaranteed (safeguarded capacity). Requests must comply with the characteristics of the published train path in the [European Capacity Management Tool](#) (ECMT). This information is also available in the path catalogue of RFC North Sea - Mediterranean.  
The PCS application and the linked processes must be used to apply for capacity in the context of the TTR pilot project.  
More details on the guaranteed capacity are available on <https://cms.rne.eu/ttr-pilots-communication-platform/paris-amsterdam-library>
- For the new path request deadline, an adjusted timeline is provided for the draft and final offer, for the time being limited to international passenger traffic on the pilot lines. The exact perimeter will be announced via the *Pilot Information Document*
- For the TCR, the international coordination processes are being reviewed and alternative scenarios are being sought in case of limited capacity
- For capacity visualisation, catalogue train paths are provided for freight and passenger traffic that, together with TCR, are visualised in ECMT over the pilot lines. All requests are intended to be based on this capacity provision.

Other elements can be studied or initiated. All interested parties are free to join the Pilot Core Team (about six meetings each year) or participate in the Advisory Group (two meetings each year).

More information about the TTR pilot projects and train path requests can be found on the website <https://rne.eu/capacity-management/ttr/>.

The information on the distribution of capacity in the capacity model can be found via the European Capacity Management Tool: <https://ecmt-online.rne.eu/>

Additional information can also be provided by the person responsible for the pilot project (see section 1.6.1).

## 5 Services and charges

In accordance with articles 98 to 103 of the programme law of 27 December 2021 and the Royal Decree of 18 October 2022 *fixing the coming into force of articles 98 to 102 of the programme law of 27 December 2021*, the Belgian government has decided to put in place measures relating to rail freight transport for the period from 1 January 2022 to 31 December 2025, organising the modal shift.

These measures consist of a system of reduced user charges for railway infrastructure, the principles of which are described in Appendix F.7 of the network statement.

### 5.1 Introduction

#### 5.1.1 Service categories

In accordance with article 9 of the Railway Codex, the infrastructure manager and the other operators of service facilities associated with the railway infrastructure (and service providers) provide services for the railway undertakings and, if applicable, for the non-railway undertaking applicants. These are divided into four categories:

- **Minimum services** in accordance with Railway Codex Appendix I, point 1  
The infrastructure manager is the only one that offers the minimum services to applicants in a non-discriminatory and transparent manner.
- **Access, including track access, to the service facilities referred to in Appendix I, point 2 of the Railway Codex and the services provided in these facilities**  
Infrabel offers its services to applicants as necessary in a non-discriminatory and transparent manner. Their requests can only be rejected if viable alternative railway solutions exist under acceptable economic conditions.  
The other operators of service facilities and/or service providers for all railway undertakings and, if applicable, for the non-railway undertaking applicants provide also access in a non-discriminatory manner, including track access, to their facilities and to the services provided in these facilities.
- **Additional services** in accordance with Railway Codex Appendix I, point 3  
If Infrabel provides additional services, these services must be provided in a non-discriminatory manner.  
The same applies to other operators of service facilities and/or service providers.
- **Ancillary services** in accordance with Railway Codex Appendix I, point 4  
Railway undertakings and, where applicable, non-railway undertaking applicants may ask Infrabel or other suppliers to provide ancillary services. If Infrabel decides to provide these services, it must do so in a non-discriminatory manner.  
The same applies to other operators of service facilities and/or service providers.

As stated in the introduction to this document, Infrabel has the status of both infrastructure manager and service facility operator. Infrabel must therefore be considered:

- as infrastructure manager when providing minimum services as defined in point 1 of Appendix I to the Railway Codex (see this chapter)

- as service facility operator when providing access to (including track access) and services in the service facilities as referred to in Appendix I, point 2 of the Railway Codex (see Chapter 7) and when providing supplementary and ancillary services as referred to in Appendix I, points 3 and 4 of the Railway Codex (see Chapter 5 for the supplementary and ancillary services provided outside a service facility, see Chapter 7 for the services provided inside a service facility).

Appendix F.4 contains a summary table showing the distribution of the various services offered by Infrabel in this document.

## 5.1.2 Services provided by Infrabel

Infrabel has developed five specific services for the railway undertakings and, where applicable, the non-railway undertaking applicants:

1. **// YourMoves**  
INFRABEL : train paths (minimum services)
2. **// YourFacilities**  
INFRABEL : local capacity (access to shunting, marshalling and parking tracks in the service facilities and their use)
3. **// YourPower**  
INFRABEL : transport and distribution of traction current by Infrabel (minimum services), other transport and distribution services for traction current supply (additional services), supply of traction current (additional services)
4. **// YourXXL**  
INFRABEL : exceptional transport studies (additional services)
5. **// YourTechnicalControl**  
INFRABEL : technical control of the equipment used for off-path journeys (ancillary services).

In accordance with Article 7, paragraph 1 of the Royal Decree of 19 July 2019 *on the distribution of railway infrastructure capacities and the fee for the use of the railway infrastructure*, the user charge covers access to and the use of the railway line or a section of line, the tracks of the stations, and, if required, shunting, marshalling and parking tracks. This charge also covers, if required, the use of electrical supply equipment for traction current. The other services mentioned in point 5.1.1 are subject to separate charges.



The specific conditions for the use of the services offered by Infrabel are described where relevant in one of the following documents: on the one hand the track access agreement or capacity agreement (see points 3.3.2 and 3.3.3), or on the other hand the local protocol (see point 7.3.1.4). The invoicing conditions are included in the track access agreement or the capacity agreement.

Infrabel has also developed two specific services intended for industrial undertakings, which will not be discussed in this network statement (more information is available at <https://infrabel.be/en/industries>):

1. **// YourTracks**  
INFRABEL : reserved tracks
2. **// YourConnection**  
INFRABEL : rail connections.

### 5.1.3 Processing times for access requests to the services provided by Infrabel

Concerning the allocation of railway infrastructure capacity (**// YourMoves**  
INFRABEL) the New Path Requests are processed in accordance with Article 33 paragraph 1 of the Railway Codex and following the timetable set by RailNetEurope (see point 4.5.1 of this document). For Late Path requests and Ad Hoc Requests, the processing times correspond to the times defined in Article 36 of the Railway Codex (see respectively point 4.5.2 and point 4.5.3 of this document).

The processing times for access requests for service facilities (**// YourFacilities**  
INFRABEL) are set in accordance with Article 9 of the Commission Implementing Regulation (EU) 2017/2177 of 22 November 2017 *on access to service facilities and rail-related services* and Decision D-2021-04-S of the Regulatory Body for Railway Transport and for Brussels Airport Operations. They are described in point 7.3.4.6 of this document.

The processing times for access requests to additional and ancillary services (**// YourXXL**  
INFRABEL, **// YourPower**  
INFRABEL [supply of traction current and other transport and distribution services for traction current supply] and **// YourTechnicalControl**  
INFRABEL) are set in accordance with the abovementioned Regulation and Decision and are applied as follows:

- Infrabel sends an acknowledgement of receipt within 5 working days from the first working day following the request, indicating whether the request is complete or incomplete. If the application is incomplete, Infrabel will ask for the missing information within a reasonable period of time, which it will indicate in the acknowledgement of receipt. If the information is not provided in time, Infrabel may reject the application
- The period within which Infrabel is obliged to respond to the access request is 30 calendar days, starting from the first working day following the acknowledgement of receipt indicating that the request is complete.

## 5.2 Charging principles

### 5.2.1 General principles

The use of the Belgian railway network gives rise to the collection by Infrabel of a charge for the use of the infrastructure. The principles of this user charge are based on the following European legislation:

- Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area
- Commission Implementing Regulation (EU) 2015/909 of 12 June 2015 on the modalities for the calculation of the cost that is directly incurred as a result of operating the train service.

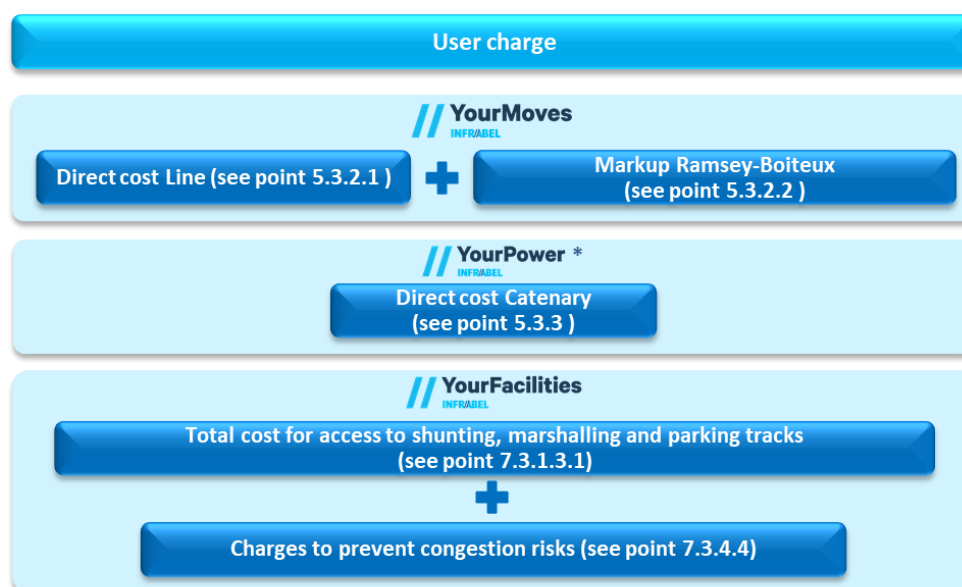
The legal framework for these charges under Belgian law is provided by the Railway Code and the Royal Decree of 19 July 2019 *on the distribution of railway infrastructure capacities and the fee for the use of the railway infrastructure*.

The legal framework requires, inter alia, that the pricing of minimum services, as well as track access to service facilities, should be based on the principle of direct cost, supplemented, where appropriate, by markups. In addition, the charge for access to the track in service facilities and for the provision of services in these facilities shall not exceed the cost of providing these services plus a reasonable profit.

This principle shall also apply where the supplementary and ancillary services are provided by a single supplier.

## 5.2.2 Principles regarding the user charge

The user charge covers the access to and the use of a (section of a) railway line, the access to and the use of the station tracks, the use of the electrical supply equipment for traction current and the access to shunting, marshalling and parking tracks, as well as their use.



\* The supply of traction current and the other transport and distribution cost are no part of the user charge, but are part of the Your Power service. They are considered as additional services (see point 5.4)

The main principles of the user charge are:

- guaranteeing access for applicants in a non-discriminatory and transparent manner
- taking into account the operating costs of the infrastructure, the supply and demand characteristics and the requirements for an optimal use of the Belgian railway network.

Infrabel determines the rules for the calculation and the modalities for the payment of the user charge in accordance with the principles laid down in the Royal Decree of 19 July 2019.

In accordance with Article 50, paragraph 2 of the Railway Code and within the limits of Article 42 of this Code, the infrastructure manager may levy a charge for the scarcity of capacity in the identifiable section of the infrastructure during periods of congestion, within the meaning of Article 41 of this Code. There is no specific charge for the use of congested infrastructure.

## 5.3 Minimum access package and charges

### 5.3.1 Introduction

As described above, the infrastructure manager is the only one that offers the minimum services. These are included in the **YourMoves** service (train paths, see details in chapter 4) and **YourPower** service (power for traction, see the details below) although this is only in part.



The minimum access package shall comprise:

- the handling of requests for railway infrastructure capacity
- the right to use the allocated capacity
- the use of the network branch lines and points
- train control including signalling, regulation, and traffic control, as well as the communication and provision of information on train movements
- the use of electrical supply equipment for traction current
- all other information required to implement or operate the service for which capacity has been allocated.

The Railway Codex prescribes a pricing of minimum services based on the direct cost principle, i.e., the costs directly attributable to the operation of the railway service. Where appropriate for the market, the infrastructure manager may also levy mark-ups to recover full costs on the basis of efficient, transparent and non-discriminatory principles, while ensuring optimal competition between railway market segments and taking account of productivity gains achieved by railway undertakings.

Infrabel has identified six market segments, namely:

- passenger services subject to a public service obligation (HkvPso)
- commercial passenger transport services (HkvNPso)
- services for commercially operated high-speed passenger transport (Hst)
- goods transport services (Hkm)
- other trains (HkvOther/HkmOther): notified bodies, technical trains, staff trains, de-icing trains, trains for moving stock between facilities
- tourism organisations (HkvTo/HkmTo).

The definitions of those market segments are to be found in appendix A.1.

The table below shows the applicable or inapplicable parameters by traffic type.

		Parameters		
		Direct cost Line	Direct cost Catenary	Ramsey-Boiteux markup
LR - ER	Transport type			
	Passenger transport (HkvPso, HkvNPso, Hst)	X	X	X
	Freight transport (Hkm)	X	X	
	Other trains (HkvOther/HkmOther)	X	X	
	Tourist organisations (HkvTo/HkmTo)			
ER	Passenger transport (HkvPso, HkvNPSi, Hst)	X	X	
	Freight transport (Hkm)	X	X	
	Other trains (HkvOther/HkmOther)	X	X	
	Tourist organisations (HkvTo/HkmTo)			

LR = loaded runs and ER = empty runs (for explanation see RDEI 441 - *Trains*).

The direct cost Catenary only applies to the actual train-kilometres of trains using traction energy. For tourist organisations, reference is made to point 5.3.4.1 Tourist organisations.

## 5.3.2 Direct cost Line and Ramsey-Boiteux markup

### 5.3.2.1 Direct cost Line

The direct line costs refer to “the costs directly attributable to the operation of the rail service”, i.e., the cost directly attributable to rail traffic. It covers the marginal costs of maintenance, operation and renewal of tracks (with the exception of electrical installations).

This charge applies to all market segments with the exception of tourism organisations. This charge does not apply either to testing on infrastructure outside commercial service (see point 5.3.4.2).

The charge is calculated according to the following formula:

$$DC\_Line = dc\_line * \sum_i l_i$$

Where:

- *dc\_line*: the coefficient of the unitary direct cost line, expressed in €/train-km
- *l<sub>i</sub>*: the length of section “i” traversed by the train, expressed in km.

The coefficient of the unitary direct cost line is shown in appendix F.2.

### 5.3.2.2 Ramsey-Boiteux markup

The Ramsey-Boiteux markup allows Infrabel to cover its costs in full. This markup is calculated on the basis of the inverse elasticity of demand rule, i.e., the principle that market segments with a high price sensitivity pay a lower amount than market segments with a low price sensitivity.

This additional charge, which is in addition to the direct costs, depends on three elements:

- the market segments  
At present, this charge only applies to passenger segments (HkvNPso, HkvPso and Hst). Other market segments (Hkm, HkvOther/HkmOther and HkvTo/HkmTo), as well as trains carrying out tests on infrastructure outside commercial service and empty runs are exempted.

- the period during which the train is running

A line section is traversed during:

- off-peak hours: on weekdays, from 7 p.m. to 5.59 a.m. inclusive
- normal hours: on weekdays, from 9 a.m. to 2.59 p.m. inclusive
- nights at the weekend: Saturday, Sunday and public holidays, from 7 p.m. to 5.59 a.m. inclusive
- days at the weekend: Saturday, Sunday and public holidays, from 6 a.m. to 6.59 p.m. inclusive
- peak: on weekdays, from 6 a.m. to 8.59 a.m. inclusive and from 3 p.m. to 6.59 p.m. inclusive, if this is not covered by the hyper-peak period
- NSL-peak: on weekdays, from 6 a.m. to 8.59 a.m. inclusive and from 3 p.m. to 6.59 p.m. inclusive, for each train running on one of the six lines of the North-South Link. The NZV peak only applies to the section of the North-South link.

The weekend period runs from Saturday 12.00 a.m. to Sunday 11.59 p.m. included.

- the density of the traversed lines

The density of a line corresponds to the actual number of train kilometres travelled of the passenger segments (HKV and HST) per kilometre of that line. The distribution of the different density classes is as follows:

- very low: [0,10,000[ annual tr-km/km of line
- low: [10,000, 20,000[ annual tr-km/km of line
- moderate: [20,000, 30,000[ annual tr-km/km of line
- high: [30,000, 40,000[ annual tr-km/km of line
- Very high / North-South link (NSL): [40,000, +∞ [ annual tr-km/km of the line.

The formula for calculating the Ramsey-Boiteux markup is as follows:

$$MU_{RB} = \sum_i (l_i * mu_{rbjlm_i})$$

Where:

- $mu_{rbjlm_i}$  : the coefficient of the Ramsey-Boiteux markup that depends on the segment “j”, the density class “l” to which section “i” belongs and the period “m” in which the section “i” is traversed (this coefficient is expressed in €/train-km)
- $l_i$ : the length of the section “l” traversed by the train, expressed in km.

The coefficients for the Ramsey-Boiteux markup are set out in appendix F.2.

### 5.3.3 Direct cost Catenary

The direct catenary cost covers the use of the electrical supply system for traction. This component applies to the actual train-kilometres travelled by trains using traction energy.

This charge applies to all market segments with the exception of tourism organisations. This charge does not apply either to testing on infrastructure outside commercial service (see point 5.3.4.2).

The calculation is made with the following formula:

$$DC_{Cat} = dc_{cat} * \sum E$$

Where:

- $dc_{cat}$ : direct cost specific to electric trains, expressed in €/MWh consumed
- $E$ : electricity consumption of the train expressed in MWh.

The coefficient for the direct cost catenary is set out in appendix F.2.

The definition of electricity consumption and the billing conditions are described in appendix F.3 (points 1.1, 1.2 and 1.5).

### 5.3.4 Specific cases

#### 5.3.4.1 Tourism organisations

In accordance with the principles of the Royal Decree of 8 May 2014 *laying down requirements for the circulation of vehicles intended exclusively for heritage, historical or tourist purposes on the national rail network*, tourism organisations pay a fixed charge. This charge is not indexed annually.

$$T = t * l_i$$

Where:

- $T$ : the coefficient of the unit cost of the tourism trains, expressed in €/effective train-km
- $l_i$  : the length of the line section “l” traversed by the train, expressed in km.

The unit price applicable to tourism trains is set out in appendix F.2.

#### 5.3.4.2 Testing on out-of-service infrastructure

Test runs carried out on an infrastructure outside commercial service in accordance with articles 8, 179/6 and 179/12 of the Railway Codex (see point 3.4.5), correspond, in accordance with Article 8 of the Railway Codex, to an occupancy of a line section outside commercial service during a certain period

of time. A specific flat-rate charge has been set for the use of infrastructure outside commercial service.

The formula for the testing of out-of-service infrastructure is as follows:

*Price for the use of an HSL = X euros per km per 1/2 h*

*Price for the use of a conventional line = X euros per km per 1/2 h*

This price includes the use of the infrastructure outside commercial service and the traction energy used.

The unit price is shown in appendix F.2.

## 5.4 Additional services and charges

### 5.4.1 The supply of traction current

Infrabel offers the supply of electricity to all the applicants for the powering of units, if they so require. Following the transposition into Belgian law of the European Electricity Directive (EU) 2019/944 of the European Parliament and the Council of 5 June 2019 *on common rules for the internal market for electricity and amending Directive 2012/27/EU*, applicants are also free to choose their own energy supplier (see appendix F.5). The legal provisions relating to the electricity market can be found in the law dated 8 January 2012, *amending the law of 29 April 1999 relating to the organisation of the electricity market*, and the law dated 12 April 1965 *relating to the transport of gaseous and other products through pipelines*.

For the electricity supply, Infrabel buys electricity in advance. The following objectives are taken into account:

- ensure the energy supply
- avoid sudden price fluctuations
- enable applicants to assess the price in advance
- obtain the lowest possible price.

Any applicant wishing to obtain traction power from Infrabel must submit a request by e-mail to the account management (I-CBE.41, see contact details in point 1.6.1 of this document).

For the supply of electricity by Infrabel, a mandate is required according to the legislation on the organisation of the electricity market. Infrabel needs to know the expected volume to be delivered at the start of the purchasing process. Therefore, the applicants who have a significant impact on this volume are asked to deliver the aforementioned mandate at the start of the purchasing process. For the other applicants the mandate is provided via the track access agreement or the capacity agreement. An applicant is deemed to exert a significant influence on the volume to be delivered when it consumes 2.5 percent of the estimated purchase volume.

The cost of supplying traction current includes:

- the energy cost
- the costs related to the balancing responsibility in the Belgian control area
- fees and charges collected through the supplier.

The definition of electricity consumption, the unit price and the billing conditions are described in appendix F.3.

## 5.4.2 Other transport and distribution services for traction current supply

Electricity for traction current does not only flow through the transport network under the responsibility of the infrastructure manager, which includes all electrical installations of the railway network. This electricity also uses the transport and distribution networks of the public electricity network operators. Infrabel plays a centralising role in the management of these other transport and distribution services and pays the invoices to the public electricity network operators.

Infrabel then passes on the costs to candidates using traction current, regardless of whether they obtain traction current from the infrastructure manager or from another supplier (see point 5.4.1 and appendix F.5).

The other transport and distribution services for traction current supply consist of the following:

- the access costs and the periodic connection charges of Elia (allocated costs and costs related to the access contract with Elia) and the network costs of the distribution network operators
- the purchase of electricity to compensate for network losses at substations and on the catenary
- administrative costs for measuring and allocating energy
- fees and charges.

Any applicant wishing to use traction current must subscribe to the other transport and distribution services at the same time. To do so, they must submit a request by e-mail to the account management (I-CBE.41, see contact details in point 1.6.1 of this document).

The definition of electricity consumption, the unit price and the billing conditions are described in appendix F.3.

## 5.4.3 Services for exceptional transport

Any exceptional transport (for definition, see 3.4.3) must be the subject of a prior study with a view to its authorisation under the conditions that it determines, with the exception of combined traffic.

Accordingly, an applicant wishing to carry such an exceptional transport must apply to Infrabel (I-CBE.144 Exceptional transports, see 1.6.1) by means of sheet IRS 50502 available from the site <https://www.uic.org/>.

More information about the request procedure for exceptional transports can be found in appendix F.3 and on the *Business Corner*.

Studies relating to exceptional transports are invoiced at the actual cost. The price and billing details for this service are described in appendix F.3.

## 5.4.4 Other additional services

Infrabel does not provide any additional services other than those stated in points 5.4.1 to 5.4.3 above.

# 5.5 Ancillary services and charges

## 5.5.1 Access to telecommunications network

In order to protect its priority safety and traffic functions, Infrabel does not give applicants access to the GSM-R network for other applications.

## 5.5.2 Provision of supplementary information

In addition to the information needed to carry out or operate the service for which the capacity has been allocated, Infrabel provides additional information to applicants free of charge, specifically via the Business Corner. Should an applicant wish to receive additional information that is not included in the details provided by Infrabel to all parties, it may submit a request to Infrabel, which will examine the feasibility of such a request. Should it prove possible to provide these details, this service shall be charged for in accordance with Article 51 of the Railway Codex.

## 5.5.3 Technical inspection of rolling stock // **Your Technical Control** INFRABEL

Infrabel is tasked with the technical inspection of rolling stock without the use of train paths in accordance with the Royal Decree of 23 May 2013 *adopting the applicable requirements for rolling stock without the use of train paths and for safety personnel performing safety-critical tasks of driving a power-driven vehicle within the framework of the operation of an installation or of a private railway connection*. To this end, it shall issue a technical inspection certificate. The contact details of the relevant office are provided under point 1.6.1.

The railway undertaking applies in advance to the relevant *I-TO Area* for the desired routes together with the technical inspection of the rolling stock concerned via the application form for routes in the framework of journeys outside of a train path. The *I-TO Areas* (see appendix D.9) will provide this form.

With the technical inspection, Infrabel ensures that the stock:

- meets the technical requirements as laid down by the law
- is able to read the safety equipment on the planned travel routes
- can be detected by the various detection devices on the planned routes
- cannot cause any material damage or malfunctions to the installations.

The cost of a technical inspection of rolling stock in the context of a journey without the use of a train path is based on an hourly rate and depends, among other things, on the type of rolling stock.

Infrabel may draw up a quotation after prior consultation with the railway undertaking.

The price and billing details for this service are described in appendix F.3.

Infrabel does not offer a rolling stock inspection service.

## 5.5.4 Ticketing services in passenger stations

Infrabel does not operate any services related to ticket sales at passenger stations.

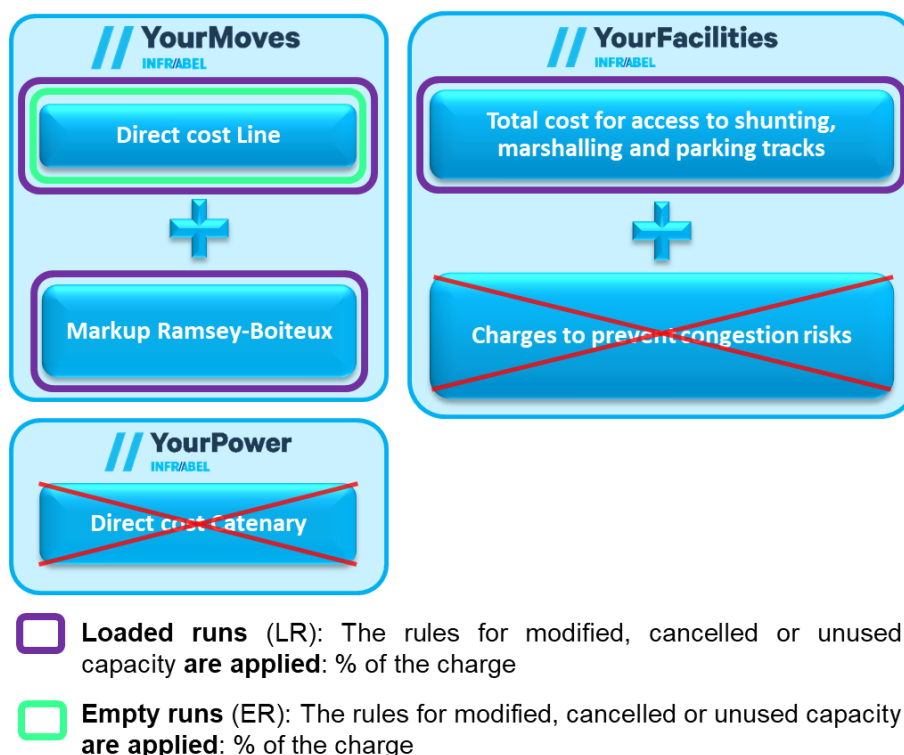
## 5.5.5 Specialized heavy maintenance services

Infrabel does not provide any facilities for heavy maintenance of high-speed trains or other types of rolling stock for which special facilities are required.

For vehicle maintenance, applicants are requested to contact the "entities in charge of maintenance of rail vehicles" (EMC) (see appendix F.5)

## 5.6 Financial penalties and incentives

The various components of the user charge may be invoiced in full or in part in the event of modification, adaptation, cancellation or non-use of the capacity allocated on Infrabel's rail network, in accordance with the following principles:



The general principles are described in points 5.6.1 to 5.6.4 below and examples of these principles can be found in Appendix F.6.

### 5.6.1 Penalties for path modification by the applicant

On available infrastructure, any request for modification by the applicant in respect of an ongoing application or capacity already allocated (see point 4.8.1.1) shall be treated as a new request.

For the cancelled parts of the latest version of the capacity allocated at the request of the applicant, the charge shall be due up to the percentage depending on the moment of the capacity modification (see point 5.6.4). The full charge is due for the unchanged parts of the last version of the capacity allocated at the request of the applicant.

### 5.6.2 Penalties for path alteration by the infrastructure manager

In the event of disruptions on the network and to allow an optimal flow of traffic, the infrastructure manager may take the initiative to modify the allocated capacity (see point 6.3.3.1). In this case, the charge payable shall be that corresponding to the latest version of the capacity allocated at the request of the applicant, irrespective of whether the route actually taken is more expensive or less expensive than the latest version of the capacity allocated at the request of the applicant.

In cases of urgency or absolute necessity due to a malfunction rendering the railway infrastructure temporarily unusable, the infrastructure manager may suspend or withdraw the right to use the allocated capacity without prior notice and for the duration necessary to restore the facilities (Article 44 of the Railway Codex). In that case, the charge is not due.

### 5.6.3 Penalties for non-usage by the applicant

The penalties set out below relate only to capacity for which the applicant has not submitted a request for cancellation.



### 5.6.3.1 Available infrastructure

If part or all of the capacity is not used, the charge shall be payable in full as the non-use is not due to unavailability of the infrastructure.

### 5.6.3.2 Unavailable infrastructure

If the capacity is only partially used due to the unavailability of the infrastructure concerned for reasons beyond the applicant's control, the charge shall only be due in respect of the part of the capacity actually used.

If the total capacity could not be used due to the unavailability of the infrastructure concerned for reasons beyond the applicant's control, the charge shall not be payable for the capacity in question.

## 5.6.4 Penalties for path cancellation by the applicant

The penalties set out below relate to capacity for which the applicant has submitted a cancellation request.

### 5.6.4.1 Available infrastructure

Any holder of capacity may refrain from using all or part of the allocated capacity. The date on which the cancellation is taken into account is the date on which the cancellation request was sent by the applicant. In the event of any dispute regarding the date of sending, the applicant must prove the date and time of sending its request (both for cancellations submitted via the IT applications and for cancellations submitted by email, if the applications were unavailable). In this case, the charge is due in proportion to the percentage that depends on the moment of cancellation:

Cancellation term	Percentage of the charge to be invoiced
Cancellation after the scheduled departure	100%
Cancellation less than 24 hours before the scheduled departure	75%
Cancellation between 24 hours and 4 calendar days before the scheduled departure	40%
Cancellation between 5 calendar days and 30 calendar days before the scheduled departure	25%
Cancellation between 31 calendar days and 60 calendar days before the scheduled departure	15%
Cancellation more than 60 calendar days before the scheduled departure	0%

\* Beyond 24 hours in advance of scheduled traffic, cancellation periods are calculated in calendar days in relation to scheduled traffic and no longer in hours.

### 5.6.4.2 Unavailable infrastructure

If the applicant must cancel its capacity for reasons beyond its control, the charge is not due, provided the infrastructure in question is unavailable.

### 5.6.5 Incentives / discounts

Infrabel does not provide any financial incentives, not even for equipping the equipment with ERTMS, for adapting the equipment to reduce noise pollution or for framework contracts.

## 5.7 Performance scheme

### 5.7.1 General principles and objectives

Article 23 of the Railway Codex provides that a performance scheme must be implemented to encourage railway undertakings and the infrastructure manager to minimise deficiencies and improve the performance of the rail network. It also stipulates that the infrastructure manager shall establish the basic principles of the performance scheme in agreement with the applicants.

The performance scheme is based on a bilateral model between the infrastructure manager and each railway undertaking (see appendix B.5).

### 5.7.2 Performance monitoring

The performance scheme shall compare the weighted number of minutes of delay for each party individually with the target set for the current year. The detailed description of the elements making up this ratio and the criteria for setting the target for the current year are set out in points 1 and 2 of part 1 of Appendix B.5.

### 5.7.3 Financial model

The financial model on which the performance scheme is based and the formulae of which it is composed are set out in points 3 to 5 of part 1 of appendix B.5.

### 5.7.4 Administrative and dispute settlement system

The performance scheme is governed by the "Management Body for the Performance Scheme" (MBPS), which is composed of two parts: the infrastructure manager on one hand and the railway undertakings on the other hand. The functioning of this body is essentially based on a parity of votes between the two parties. The regulatory body acts as arbitrator in the event of any disagreement between the two parties, in accordance with its role as assigned by the Railway Codex (see point 1.4.3 of this document).

Appendix B.5 provides a full description of the bilateral model and the organization and functioning of the MBPS.

## 5.8 Changes to charges

In accordance with the Royal Decree of 19 July 2019 *on the distribution of railway infrastructure capacities and the fee for the use of the railway infrastructure* and without prejudice to the method of annual indexation of unit prices (see appendices F.2 and F.3), the adjustments to the calculation rules, the value of the coefficients and the unit prices must be introduced at the latest four months before the deadline for submitting New Path Requests (see point 4.5.1), and the network statement must also be adjusted. Therefore, these changes can only apply to the timetable following the one during which they were introduced.

However, these changes may apply before the above deadline if they meet the following cumulative conditions:

- involve a reduction in the charge
- are subject to the consultation referred to in Article 20 of the Railway Codex
- are published at least three months before they enter into force.

In addition, according to the aforementioned Royal Decree, the railway infrastructure manager must review the method of calculating the charge for the use of the railway infrastructure at least every five years.

## 5.9 Billing arrangements

### 5.9.1 Advance payment for the capacities requested

The user charge must be paid monthly in advance and constitutes a contractual obligation on the part of the railway undertaking provided for in track access agreement and on the part of the non-railway undertaking applicant provided for in the capacity agreement, on the basis of Article 9, paragraph 2 of the Royal Decree of 19 July 2019 *on the distribution of railway infrastructure capacities and the fee for the use of the railway infrastructure*. These advance payments are to be made to Infrabel by the 20th of the month preceding the month of utilisation. Failing such advance payment, Infrabel may withdraw the allocated capacity. The advance payments are stated in the special conditions of the track access agreement (appendix B.2.1) or capacity agreement (appendix B.3.1).

### 5.9.2 Invoicing

At the end of each month, Infrabel calculates the total user charge due for the utilisation of the railway infrastructure in M-1.

When these bills are drawn up, account is taken of the advances already invoiced and paid. Invoices are payable within 30 days.

Infrabel may add interest for late payment, fixed at the legal rates, to amounts invoiced but not paid within the deadlines laid down. Collection and recovery costs are chargeable to the applicant.

De kandidaten kunnen de informatie over de rijpaden die hen worden aangerekend raadplegen met de applicatie *Rob In* op de *Business Corner*.

Questions or comments regarding the invoicing of the user charge may be sent to the address in point 1.6.1.

The method of invoicing for other charges is defined, where appropriate, in the track access agreement (appendix B.2.1) or capacity agreement (appendix B.3.1).

### 5.9.3 CIS – International information system for user charges

It should be noted that RailNetEurope has developed CIS (Charging Information System - <https://cis.rne.eu/>). CIS is an infrastructure charging information system for applicants provided by IMs and ABs. The web-based application provides fast information on indicative charges related to the use of European railway infrastructure and estimates the price for the use of international train paths. It is an umbrella application for the various national railway infrastructure charging systems. Access to CIS is free of charge without user registration. More information can be found on above-mentioned website or can be requested via the RNE CIS Support: [support.cis@rne.eu](mailto:support.cis@rne.eu).

## 5.10 Diabolo - passenger fee - contribution of railway undertakings

### 5.10.1 Passenger fee

Pursuant to Articles 12 to 14 of the Law of 30th April 2007 *laying down urgent provisions regarding the railways*, any railway undertaking using the railway infrastructure for passenger transport departing from or arriving at Bruxelles-National Airport (Diabolo infrastructure) will apply and receive (excluding the specific cases mentioned in Article 12, paragraph 1 of the said Law), a supplement on the price to be paid by the passenger, referred to as the "passenger fee".



The initial passenger fee and any subsequent modification will be decreed by the King, by decree ruled on in the Council of Ministers at the proposal of Infrabel. This figure will be indexed annually using the mechanism explained in Article 12, paragraph 4 of the Law of 30 April 2007. The Royal Decree dated 15 January 2023 *defining the initial amount of the Diabolo passenger fee*, in force since 1 February 2023, stipulates that the amount of the passenger fee specified in Article 12 paragraph 2 of the Law is set at EUR 5.8403 (2022 value) including 6% VAT.

Each railway undertaking will pay the infrastructure operator (*Northern Diabolo SA*) the passenger fees to be applied and received. The operator and the railway undertaking must enter into an agreement stating the terms and conditions including the frequency of handover, the methods of counting the number of passengers carried, the safeguards to be set up by the railway undertaking to guarantee its obligation of handover, and the remuneration for receiving passenger fees not included in the ticket price.

### 5.10.2 Contribution by the railway undertakings

Pursuant to Articles 15 and 16 of the Law of 30th April 2007 *laying down urgent provisions regarding the railways*, any railway undertaking using the railway infrastructure for domestic passenger transport from or to Bruxelles-National Airport (Diabolo infrastructure) must pay an annual contribution, referred to as the "contribution of the railway undertakings" which must be equal to or higher than the following two sums:

- 0.5% of the turnover (excluding VAT) made by the railway undertaking in question on domestic passenger transport on this railway infrastructure over the year preceding the year for which the contribution is payable, and
- 1,887,000 EUR indexed according to the average for the health index (or any comparable index replacing this) for the year preceding the year for which the contribution is payable in relation to the average of the health index for the year 2004 multiplied by the distribution key as per Article 15, §3 of the Law.

The contribution of the railway undertakings is calculated, applied and paid as follows:

1. For the requirements of calculating the amount of the contribution of the railway undertakings, each railway undertaking due to pay the contribution must advise Infrabel, via its Key Account Manager, by 1st June of the year for which the contribution is payable, of the turnover (excluding VAT) made on domestic passenger transport on this railway infrastructure during the previous year, as well as the data permitting this to be checked.
2. On the basis of the data provided by the railway undertakings as above, Infrabel will, by 15th June each year, notify each railway undertaking required to pay the contribution of the amount payable for the current year.
3. The railway undertakings in question will pay Infrabel, by 30th June of the current year, the contribution due for this year.
4. Infrabel will pay the sums received to the Diabolo infrastructure operator within twenty working days from their receipt. To guarantee payment of this contribution, Infrabel may require the railway undertakings to provide a financial guarantee. This shall be in proportion to the contributions they are required to make, and shall be transparent and non-discriminatory

## 6 Operations

### 6.1 Introduction

This chapter sets out the rules and measures applicable to allow optimum management of railway traffic.

### 6.2 Operational rules

#### 6.2.1 General rules

The operational rules to be respected by train staff in their day-to-day work are set out in the various books of the Regulations and Documentation for the Operation of Infrastructure (*Réglementation et Documentation pour l'Exploitation de l'Infrastructure - RDEI*) drawn up by the infrastructure manager. The applicants can consult these documents on the *Business Corner*.

#### 6.2.2 Drivers' knowledge of languages: derogation

All operations relating to the use of the railway infrastructure are carried out in one of the languages indicated by Infrabel, generally in French in the Walloon Region or in Dutch in the Flemish Region and in one of these two languages in the Brussels-Capital Region. In accordance with Regulation (EU) No 2019/554 amending Appendix VI to Directive 2007/59/EC, all train drivers operating on the Belgian railway infrastructure must be able to read, write, understand and communicate orally and in writing in the language of the Region in which they are operating, in accordance with the requirements for level B1 of the Common European Framework of Reference for Languages. Appendix C.8 gives an overview of the unilingual and bilingual signal boxes, as well as the special situations.

On a section of track between the borders and the stations close to the borders intended for cross-border movements where French or Dutch is the only language used, a railway undertaking may apply to Infrabel for a derogation for its driver(s), provided that it proposes measures to compensate for the lack of language skills of the driver(s) compared with level B1.

To obtain this derogation, the railway undertaking must demonstrate, by means of a risk analysis applying the GAME (*Globalement Au Moins Equivalent / Overall At Least Equivalent*) principle, that the compensation measures are sufficient to guarantee an equivalent level of safety.

Infrabel will assess the suitability and sufficiency of the proposed measures and, in the event of refusal within a reasonable period of time, will formulate a reasoned response.

If, during an inspection, Infrabel finds that a driver of the railway undertaking to which the derogation has been granted does not comply with the compensation measures imposed to remedy the language deficiency, Infrabel reserves the right to suspend the derogation granted for the time necessary for the railway undertaking to take corrective measures.

The suspension ends when the railway undertaking informs Infrabel of the said corrective measures and proves that they have been implemented.

However, in the event of a repeated offence, Infrabel reserves the right, in the event of a new finding of non-compliance with a measure envisaged by the railway undertaking to compensate for the language deficiency, to revoke definitively the derogation granted to the railway undertaking in this case.

## 6.3 Operational measures

### 6.3.1 Principles

Infrabel's operational measures consist of three pillars:

- Supervision of the implementation of train planning

Real-time traffic coordination involves not only monitoring the implementation of train planning, but also looking for the necessary adjustments to this planning.

- Actions in case of accidents or incidents

Real-time traffic coordination also includes:

- the timely detection of accidents, incidents and disruptive events that may cause deviations from the planned service (in or near the tracks)
- foreseeing the consequences of any accident, incident or disruptive event
- where appropriate, in consultation with the applicants, adjusting the train service in accordance with the foreseeable consequences.

- Communications management

Real-time traffic coordination also involves the exchange of information between the operational services concerned (infrastructure manager and applicants).

### 6.3.2 Operation regulation

The operational measures are set out in the various books of the RDEI drawn up by the infrastructure manager.

### 6.3.3 Disturbances

#### 6.3.3.1 General principles

Where the train movements differ from those corresponding to the train paths allocated, the infrastructure manager modifies the distribution of the capacities in order to get back as quickly as possible to a utilisation of the capacities, which corresponds to the train paths allocated.

The infrastructure manager may modify the train paths allocated:

- either because of works necessary to ensure the restoration of normal service after a disruption to train movements because of a technical failure or an accident on the railway infrastructure
- or because of an emergency, absolute necessity, or circumstances beyond its control.

The infrastructure manager informs the holder of the capacities concerned as soon as possible. The infrastructure manager does its utmost to reduce the frequency, scale and duration of disruptions affecting train movements.

Applicants will be informed of the restrictions on use and options for the train paths and alternatives will be sought in collaboration. After such notification, adjustments to ad-hoc paths should be requested through *Book In*.

The infrastructure manager will inform applicants at regular intervals of the relevant details concerning the evolution of the incident and the impact on capacity as a result of that incident.



Where the train paths allocated are totally unusable, and if no alternative solution can be found, the infrastructure manager may cancel the train paths concerned without notice during the time necessary to restore the infrastructure. It notifies the holder of the train paths concerned.

Notwithstanding the provisions of the track access agreement and the capacity agreement, disruptions that affect traffic movements do not entitle holders of capacity to any compensation by the infrastructure manager. The user charge is due for the last version of the capacity allocated at the request of the applicant, except in case of cancellation of the traffic. In case of partially cancellation of the traffic, the user charge is due only for the effective used part of the capacity.

The principles relating to the pricing of the user charge in the event of faults are set out in point 5.6 of this document.

### 6.3.3.2 International Contingency Management

In the event of serious incidents with a significant international impact, international coordination of incident management is required. For international disruptions longer than 3 days with a high impact on international traffic, the IM will take the International Contingency Management (ICM) Handbook into account when cooperating with other IMs.

Freight corridors act as facilitators for the disruption management and the communication process. Together with the infrastructure managers concerned, they have developed traffic diversion overviews and operational scenarios. A reference to the diversion overview and the scenarios can also be found in Chapter 5 of section 4 of the *Corridor Information Document* (see point 1.7.1 of this network statement).

In the event of major international disruptions on a line or in a facility, consultations are held with the infrastructure managers of neighbouring countries with a view to possible traffic diversions and the modification or cancellation of certain journeys. It is agreed which trains will run when and via which border crossing. An incident is also created in the Incident Management Tool of TIS (see point 6.4) so that the infrastructure managers of the neighbouring countries and the infrastructure managers of the freight corridors concerned are informed. At agreed times there are telephone conferences during which the situation is discussed, and the agreements are adjusted where necessary. Initially, the adjustments will be made in real time by Central Dispatch. In a further phase, the adapted train service will be incorporated into a “train service” bulletin.

Railway undertakings are involved in accordance with national incident management procedures and are responsible for communicating specific train information to their customers.

After agreeing with the infrastructure managers of the neighbouring countries on how the traffic will run while the incident is ongoing, the railway undertakings are informed by Central Dispatch about their options and about the available capacity (which may be redistributed). On this basis, the railway undertakings decide how they will deploy their trains.

Further details are available in the International Contingency Management Handbook, which can be found at [https://rne.eu/wp-content/uploads/2022/10/ICM\\_Handbook.pdf](https://rne.eu/wp-content/uploads/2022/10/ICM_Handbook.pdf).

This manual describes the standards and procedures that aim to allow continuation of traffic flows as effective, customer-oriented and at the highest possible level despite an international disruption and assure transparency of the status of the disruption and its impact on traffic flows for all relevant stakeholders across Europe. It defines disruption management and communication processes that complement national incident management procedures to allow for better international cooperation between infrastructure managers and allocation bodies.

### 6.3.3.3 Intervention in the case of disturbances or incidents

In the event that, as a result of an incident caused by the railway undertaking, the infrastructure manager is required to intervene – or call upon the services of a third party – in order to restore traffic, all costs will be charged to the railway undertaking in accordance with the track access agreement.

Furthermore, in order to minimise the harmful consequences of any accident and/or incident arising during the transport of dangerous goods by rail, with the exception of products covered by RID classifications 1 and 7, Infrabel has signed assistance agreements with the companies BASF Antwerpen N.V. and INOVYN S.A. of Jemeppe-sur-Sambre. Under these agreements, if there is an incident involving the transport of dangerous goods, Central Dispatch may call out an intervention team from these companies which is specialised in incidents implying dangerous goods and carries appropriate equipment

## 6.4 Tools for train information and monitoring

Infrabel controls rail traffic mainly by means of two systems: the Traffic Management System (TMS) and the Electronic Control Panel (*Elektronische BedieningsPost* - EBP). Via the TMS, the infrastructure manager is constantly informed about the position of trains. The EBP is connected to the TMS and is used to control the railway installations and signals. Applicants and other infrastructure managers can use the Track In system to monitor their trains/traction equipment. This allows them to take action in case of major delays.

RailNetEurope has developed the Train Information System (TIS) for the international management of trains. TIS is a web-based application that provides real-time train data concerning international trains. The relevant data are obtained directly from Infrabel's systems and all the information from the different IMs is combined into one train run from departure or origin to final destination. In this manner, a train can be monitored from start to end across borders.

Applicants and service facility operators may also be granted access to TIS by signing the TIS User Agreement with RNE. By signing this Agreement, the TIS User agrees to RNE sharing train information with cooperating TIS Users. The TIS User shall have access to the data relating to its own trains and to the trains of other TIS-Users if they cooperate in the same train run (i.e., data sharing by default).

Access to TIS is free of charge. A user account can be requested via the RNE TIS Support: [support.tis@rne.eu](mailto:support.tis@rne.eu). More information can be found on <https://tis.rne.eu/>.

## 7 Service facilities

### 7.1 Introduction

Access, including track access, to service facilities referred to in Appendix I, point 2 of the Railway Codex and the services provided in these facilities are regulated under Directive 2012/34/EU of the European Parliament and of the Council, which has been transposed into the Railway Codex and under Commission Implementing Regulation (EU) 2017/2177.

This chapter is devoted to service facilities and the services they provide. It includes both service facilities managed by Infrabel as service facility operator and service facilities connected to the Infrabel network and managed by other operators.

### 7.2 Service facility overview

Both the Belgian law dated 30 August 2013 relating to the Railway Codex and Implementing Regulation 2017/2177 impose on all operators of service facilities connected to the Infrabel railway network and/or the service providers in their service facilities, to provide information on the conditions and the charges for access to their service facilities as well as for the provision of services.

This information has to be included in the network statement of Infrabel, possibly by adding a link to the website (own website or common portal) where this information can be consulted freely.

In order to assist service facility operators and service providers in describing their facilities and/or services, the railway sector has developed a common template which reflects the obligations of the above-mentioned Implementing Regulation. This template can be used by operators and service providers, if they wish so. It is available in English, Dutch and French. The information must be published in two European Union languages.

- *Common template for Service Facilities (ENG):*  
[https://www.infrabel.be/sites/default/files/wysiwyg-files/common template for service facility information.docx](https://www.infrabel.be/sites/default/files/wysiwyg-files/common%20template%20for%20service%20facility%20information.docx)
- *Modèle commun applicable aux installations de service (FR):*  
[https://www.infrabel.be/sites/default/files/wysiwyg-files/modele commun applicable aux installations des services.docx](https://www.infrabel.be/sites/default/files/wysiwyg-files/modele%20commun%20applicable%20aux%20installations%20des%20services.docx)
- *Gemeenschappelijke template voor dienstvoorzieningen (NL):*  
[https://www.infrabel.be/sites/default/files/wysiwyg-files/gemeenschappelijke template voor dienstvoorzieningen.docx](https://www.infrabel.be/sites/default/files/wysiwyg-files/gemeenschappelijke%20template%20voor%20dienstvoorzieningen.docx)

Infrabel invites operators of service facilities connected to the Belgian rail network and service providers to send their information to [customercare@infrabel.be](mailto:customercare@infrabel.be).

Infrabel is not responsible for the information provided by operators and service providers.

In accordance with Directive 2012/34/EU of the European Parliament and of the Council, as well as the Railway Codex, the following are considered as service facilities:

- passenger stations, their buildings and other facilities, including travel information display and suitable location for ticketing services

- freight terminals
- marshalling yards and train formation facilities, including shunting facilities
- storage sidings
- maintenance facilities, with the exception of heavy maintenance facilities dedicated to high-speed trains or to other types of rolling stock requiring specific facilities
- other technical facilities, including cleaning and washing facilities
- maritime and inland port facilities which are linked to rail activities
- relief facilities
- refuelling facilities and supply of fuel in these facilities, charges for which shall be shown on the invoices separately.

In these service facilities, operators may provide three types of service:

- services offered within the meaning of point 2 of Appendix 1 of the Railway Codex
- supplementary services (see point 3 of Appendix 1 to the Railway Codex)
- ancillary services (see point 4 of Appendix 1 to the Railway Codex)

Appendix E.2 gives an overview of the service facilities operated by Infrabel or third parties. This appendix indicates for each of these facilities: the type, name of the operator, the line(s) of the railway network to which it is linked, whether or not it is located in a maritime or inland port, whether or not it is linked to a freight corridor, the status of the facility, Infrabel's local protocol in which it may appear and the link to the website where the detailed information can be found.

The rest of this chapter explains in more detail the service facilities operated by Infrabel.

## 7.3 Service facilities managed by Infrabel

### 7.3.1 Common provisions

#### 7.3.1.1 General information

Point 7.3.1 lists the provisions applicable to all service facilities operated by Infrabel.

#### 7.3.1.2 Services

As a service facility operator, Infrabel operates numerous service facilities, mainly shunting, formation and parking yards (see section 7.3.4 for the specific conditions applicable to these yards).

However, Infrabel does not provide staff for shunting and forming trains or for parking rolling stock. On the other hand, Infrabel carries out certain operations from the signal boxes (track management in yards, operation of track brakes, etc.). More information on Infrabel's tasks from the signal boxes can be found in the first part of the local protocols (see point 7.3.1.4).

It is possible for third parties to offer services in Infrabel's yards under certain conditions. All information about this is available from Infrabel.

#### 7.3.1.3 Charges

As an operator of service facilities, Infrabel operates several shunting, marshalling and parking yards (see sections 7.3.4 and 7.3.5). The access to the tracks of these service facilities and their use are covered by the user charge. The general principles are set out in points 5.2, 5.6, 5.8 and 5.9 of this document.

Track access in service facilities and services provided in the facilities shall be charged on the basis of a total cost plus a reasonable profit. Charges for track access in service facilities and charges for the

provision of services in facilities shall be applied per traffic type on the basis of the following table. The details are described in points 7.3.1.3.1 and 7.3.1.3.2 respectively.

LR - ER	Transport type	Parameters	
		Total cost Track access in service facilities	Total cost Services provided in service facilities
LR	Passenger transport (HkvPso, HkvNPso, Hst)	X	X
	Freight transport (Hkm)	X	X
	Other trains (HkvOther/HkmOther)	X	X
	Tourist organisations (HkvTo/HkmTo)		
ER	Passenger transport (HkvPso, HkvNPSi, Hst)		X
	Freight transport (Hkm)		X
	Other trains (HkvOther/HkmOther)		X
	Tourist organisations (HkvTo/HkmTo)		

LR = loaded runs and ER = empty runs (for explanation see RDEI 441 - *Trains*).

#### 7.3.1.3.1 Total cost Track access in service facilities

The charge for access to the tracks in the service facilities may not exceed the cost of this service plus a reasonable profit, in accordance with Article 51 of the Railway Codex.

The charge for track access in service facilities applies to all segments with the exception of tourist organisations. Empty runs are also exempt.

Track access in the service facilities is subject to a charge calculated as follows:

$$TC_{Facility} = \sum_n tc_{facility_n}$$

Where:

- $tc_{facility}$ : the coefficient of the total unit cost for a stop in a billable service facility “n”, expressed in €.

Mandatory stops imposed by the signals and through-journeys (without a stop) will not be invoiced.

The list of billable service facilities and the coefficient of total unit cost are given in appendix F.2.

#### 7.3.1.3.2 Total cost Services provided in service facilities

The charge for providing services in the service facilities may not exceed the cost of this service plus a reasonable profit, in accordance with Article 51 of the Railway Codex.

Infrabel does not currently apply such a charge.

#### 7.3.1.4 Access conditions

Any railway undertaking wishing to use the local railway infrastructure (service facilities) must, in addition to fulfilling the conditions for access to the infrastructure set out in points 3.2.3 to 3.2.5 and in addition to concluding a track access agreement (see point 3.3.2.1), have concluded in advance a local protocol with Infrabel (person responsible for the *I-TO Area*, see contact details in appendix D.9) defining the rights and obligations of both parties for the service facility or the group of service facilities in which it wishes to carry out operations.

The local agreement sets out the practical arrangements for the use of the service facilities concerned.

The local agreement defines the operational use of the local service facilities. Specifically, the tracks concerned, movements (such as entering and leaving the tracks) and communication on the ground. By signing the agreement, the railway undertaking agrees to respect the conditions for the utilisation of such service facilities.

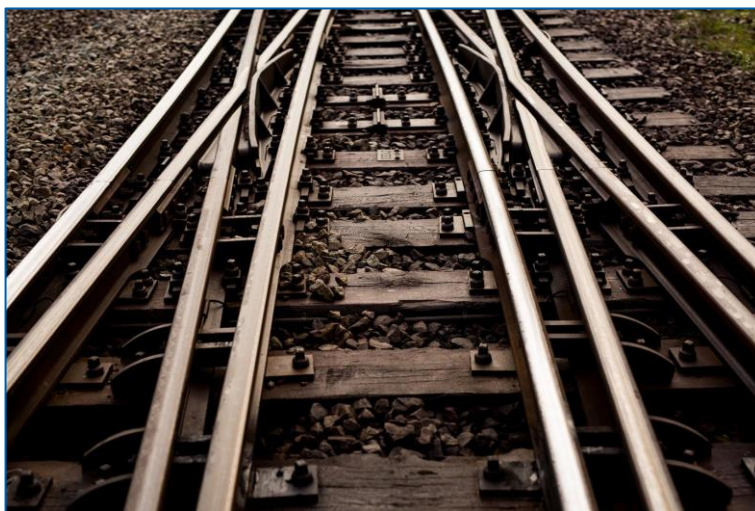
Railway undertakings are not allowed to run traction equipment, with or without vehicles, on the Belgian rail network without a train path allocated by the infrastructure manager to them or to the non-railway undertaking applicant that has designated them.

However, in accordance with the Royal Decree of 23 May 2013 *adopting the applicable requirements for rolling stock without the use of train paths and for safety personnel performing safety-critical tasks of driving a power-driven vehicle within the framework of the operation of an installation or of a private railway connection*, this can be deviated from if the railway undertaking requests journeys in advance from the respective *Area I-TO*. The *Area I-TO* may or may not approve them in the light of operating possibilities or propose alternative routes. These journeys 'without the use of train paths' take place either between a private siding and a service facility or in and between Infrabel's service facilities for marshalling or shunting. The local agreement sets out the instructions and the (safety) measures to be adopted for the permitted routes, possibly via a section of a main line or via a local line, agreed between the parties.

This local agreement is a different contract from the track access agreement. It depends at all times on the applicable regulations, including the network statement. This use of local capacity depends on the retention by the railway undertaking of the track access agreement. If the railway undertaking is deprived of rights relating to the track access agreement, the local agreement will automatically be terminated on the date when these rights are lost.

The railway undertaking and Infrabel may terminate the local agreement with three months' notice.

Infrabel may immediately terminate the local agreement if it emerges that the railway undertaking is guilty of infringements, without taking into account the type or severity of such infringements if they may compromise the safety of the routes or movements. Every withdrawal shall be made by



registered letter and will be requiring this letter to be signed for. The application date shall correspond to the date of receipt of the registered letter.

In the event of any contradiction between the requirements of the local agreement and those of the track access agreement, the provisions of the latter shall prevail, unless the track access agreement provides otherwise for certain parties or unless track access agreement provides the possibility of amplifying it or clarifying it.

Unless the parties jointly agree otherwise, the local agreement shall remain in force in the event of modification of the track access agreement.



Should a provision in the local agreement be at odds with the general regulation, including the network statement, then the parties must replace it as soon as possible with a new one which removes the ambiguity and better reflects their common interests. The above does not apply in the case of contradictions that derive from modifications to the regulation itself which give rise to an official communication from Infrabel with legal force.

The local agreement enters into force on the date of its signature by the railway undertaking and Infrabel and is drawn up in duplicate.

The first part of the local agreements can be viewed on the *Business Corner*. With regard to the preparation of the other parts of the local agreements, a railway undertaking can contact the *Area I-TO* to which the service facility belongs. Details regarding the *Areas I-TO* can be found in the appendices D.9 and D.12 whilst the boundaries of the *Areas I-TO* are indicated on the network map (appendix C.1).

### 7.3.2 Passenger stations

Infrabel does not operate passenger stations.

On the other hand, according to Appendix 23 of the Railway Codex, the platforms are part of the infrastructure of Infrabel, from whom access to platforms has to be requested in the form of a capacity request. Appendix D.4 gives the list of the stations equipped with passenger platforms. The lengths of these platforms are also given in the list.

### 7.3.3 Freight terminals

Infrabel does not operate freight terminals.

### 7.3.4 Marshalling yards and train formation facilities

#### 7.3.4.1 General information

Infrabel operates various yards for the formation and marshalling of trains, as well as for the parking of rolling stock. The list of the yards operated by Infrabel can be found in appendix E.2 to this document.

In the specific case of the marshalling F of *Antwerpen-Noord*, the applicable principles are set out in appendix E.5.

#### 7.3.4.2 Services

The services provided in the shunting, parking and marshalling yards are described in point 7.3.1.2.

#### 7.3.4.3 Service facility description

The description of the yards operated by Infrabel, including their technical equipment, can be found in appendix F.1 of this document. Appendix D.7 contains the opening times of these yards.

The local protocol for the yard sets out the practical arrangements for its operational use (see point 7.3.1.4).

With regard to the fixed installations for 3kV energy supply in the yards which are fitted with keys and which serve to pre-heat, cool or keep the carriages at a positive temperature during freezing periods, they may only be used by staff of the railway undertaking who have received specific training. For this purpose, Infrabel published a user manual on the *Business Corner* and will, on request, provide annual training for the railway undertaking's representative who will then train its own staff. Any railway undertaking wishing to sign up its trainer must contact its Key Account Manager before 30 June of the



current year. No personnel of Infrabel is made available for the use of the fixed installations for 3kV energy supply for carriages. Only personnel from Infrabel's Technical Services may handle the maintenance and repair of these installations.

#### 7.3.4.4 Charges to prevent congestion risks

There are currently no charges for reserving or occupying yard tracks.

On the other hand, charges aimed at preventing the congestion risks of the operational tracks (OT) in the busiest yards by encouraging railway undertakings to optimise their use of these yards are provided for. These charges are detailed in points 7.3.4.4.1 to 7.3.4.4.6 below.

##### 7.3.4.4.1 Scope

For any yard where there is no reservable track available and which is fitted with equipment to automatically record movements (entries/exits) on its operational tracks and a system to associate the undertaking that occupied the operational track with these movements, it applies that once the occupancy rate of the operational tracks in the yard reaches a minimum threshold of 60% for at least 4 months out of a reference year - in accordance with the calculation method described in Appendix F.2 -, it appears that problems may arise from an operational point of view, with an increasing risk of congestion in this yard. In order to prevent any risk of congestion in these yards, Infrabel applies usage charges based on the occupancy time of the operational track, which is therefore given the status of a high-density track (HDT).

The list of all the yards equipped with the above-mentioned recording systems is given in Appendix F.2, with an indication of their highest monthly occupancy rates recorded over a minimum period of 4 months in the reference year. The list of yards and high-density tracks to which these rates apply can be found in the same Appendix.

Charges to prevent the congestion risk - as part of the charges for track access in service facilities referred to in Appendix I, point 2 of the Railway Codex and the services provided in these service facilities - shall not exceed the cost of their provision plus a reasonable profit in accordance with Article 51 of the Railway Codex.

Charges to prevent congestion risks apply to all transport types (loaded/empty runs) and for all market segments - excluding tourist associations.

##### 7.3.4.4.2 Formula

The charges to prevent congestion risks for the high-density tracks involved must be calculated separately for each high-density track and must take into account all occupancy hours to calculate the payable charge. These charges are calculated on a monthly basis for all occupancies ended during the month in question, based on the following formula:

$$\text{Monthly charge} = \sum_{\substack{lm \\ O_{lm} \leq OS_l}} (O_{lm} * HS_l) + \sum_{\substack{lm \\ OP\_ST_l \geq O_{lm} > OS_l}} (O_{lm} * HP\_ST_l) + \sum_{\substack{lm \\ O_{lm} > OP\_ST_l}} (O_{lm} * HP\_LT_l)$$

Whereby:

- $O_{lm}$ : actual occupancy time "m" of the HDT "l" in hours
- $OS_l$ : standard occupancy time of the HDT "l" in hours, for shunting
- $OP\_ST_l$ : standard occupancy time of the HDT "l" in hours, for short-term parking
- $HS_l$ : hourly charge of the HDT "l" for shunting, expressed in €/hour.

- HP\_ST<sub>i</sub>: hourly charge of the HDT “I” for short-term parking, expressed in €/hour.
- HP\_LT<sub>i</sub>: hourly charge of the HDT “I” for long-term parking, expressed in €/hour.

The standard occupancy times of the high-density tracks indicate the boundary between shunting activities and short or long-term parking. They are determined taking into account the technical specifications of the yards in accordance with the following evaluation grid and are published in Appendix F.2

		Standard occupancy time for shunting	Standard occupancy time for short-term parking	
Yards giving access to the marshalling installations		12 hours.	36 hours.	
Other yards	Made up of electrified tracks	16 hours.	48 hours.	<i>If the yard is made up of different track types, the longest standard occupancy times apply.</i>
	Made up of partly electrified tracks	24 hours.	72 hours.	
	Made up of non-electrified tracks	48 hours.	144 hours.	

A specific hourly charge is determined for each activity (shunting/short-term parking/long-term parking). The applicable hourly charges are published in Appendix F.2.

The nature of the activities - and therefore the hourly charge applicable to each use - is determined on the basis of the occupancy time: any occupancy that is less than or equal to the standard occupancy time for shunting is considered a shunting activity, while any occupancy that exceeds this standard occupancy time is considered a parking activity. As regards parking activity, a distinction will be made between short-term and long-term parking. As a reminder, all hours of occupancy are taken into account when calculating the payable charge. In concrete terms, three scenarios are therefore possible:

- If the railway undertaking does not exceed the standard occupancy time for shunting, the occupancy hours are multiplied by the hourly charge for shunting activities
- If the railway undertaking does exceed the standard occupancy time for shunting, without exceeding the standard occupancy time for short-term parking, the occupancy hours are multiplied by the hourly charge for short-term parking
- If the railway undertaking does exceed the standard occupancy time for short-term parking, the occupancy hours are multiplied by the hourly charge for long-term parking.

#### 7.3.4.4.3 Neutralisation of the occupancy times

If closure periods apply to high-density tracks, the occupancy hours coinciding with these closure periods are not counted. The opening hours of the yards are indicated in the relevant local protocol (see point 7.3.1.4).

In addition, occupancy hours are not counted either if access to (or exit from) the high-density tracks is impossible due to reasons beyond the control of the railway undertakings (e.g., scheduled/unplanned works, public holidays, etc.) or if the IT system for recording the occupancy of the high-density tracks is down.

#### 7.3.4.4.4 Gradual introduction

As the system is new, the introduction of the charges to prevent congestion risks for the high-density tracks will be gradual, in order to limit the financial impact on railway undertakings and enable them to gradually optimise their occupancy behaviour. This charge will therefore be increased in stages, to reach the agreed financial conditions after three years. During the first three years, a reduction will therefore be applied according to the table below:

	Timetable	Discount
1 <sup>st</sup> year of application	2023	75%
2 <sup>nd</sup> year of application	2024	50%
3 <sup>rd</sup> year of application	2025	25%

#### 7.3.4.4.5 Transfer of responsibility

The charges are applied by default to the incoming railway undertaking. In the event of a transfer of responsibility of a high-density track from one railway undertaking to another, the incoming railway undertaking must inform the signal box by email. The email address is indicated in the relevant local protocol. This email must be sent at the time of transfer and must state to which railway undertaking the responsibility is transferred. In addition, this railway undertaking must be in copy (cc) of the email to the signal box. In the event of a transfer of responsibility under the conditions mentioned above, the occupancy time calculated for the incoming railway undertaking is the difference between the date and time of the notification of the transfer by email to the signal box and the date and time of the entry into the facility. For the railway undertaking to which the responsibility is transferred, the occupancy time is the difference between the date and time of exiting the high-density track and the actual date and time of transfer, as communicated to the signal box at the time of notification of the transfer.

If the railway undertaking to which the responsibility is transferred does not object by return email within 24 hours, the transfer of responsibility is deemed accepted and no further objections shall be taken into account. In the event of objection within 24 hours, the charges will be charged to the incoming railway undertaking. The incoming railway undertaking will have to settle the objection with the second railway undertaking itself, including the conditions and modalities for the mutual sharing of the charges, whereby Infrabel will not be involved in these discussions in any way.

#### 7.3.4.4.6 Invoicing

These charges are invoiced on a monthly basis in accordance with the terms of the track access agreement. However, unlike the other components of the user charge, no advance payment is required (see point 5.9.1).

Questions or remarks concerning the invoicing of these charges may be addressed to the responsible agency (see point 1.6.1 for contact details)

#### 7.3.4.5 Access conditions

The access conditions relating to the shunting, parking and marshalling yards are described in point 7.3.1.4.

### 7.3.4.6 Capacity allocation

#### 7.3.4.6.1 Submitting a request for local capacity

Infrabel offers the railway undertakings the possibility of accessing its yards and most of the tracks and the equipment of which they are made up.

Appendix F.1 lists all the tracks of Infrabel's service facilities to which railway undertakings can have access. Railway undertakings can request access in advance to two types of yard track (RT and OT, see below):

- Operational tracks (OT) / high-density tracks (HDT)

Yard tracks are given the status of operational tracks if they are needed for carrying out railway activities other than long-term parking (shunting, short-term parking, etc.) by railway undertakings and for the operational needs of the infrastructure manager. These tracks are not reservable.

Access to operational tracks, which are accessible to the railway undertaking for a limited period of time, can be requested when requesting a train path. The railway undertaking or, where applicable, the non-railway undertaking applicant may indicate in its train path request in the free field of the service facility to which it wishes to be granted access the following information:

- the characteristics of the rolling stock seeking access to the service facility (length etc.)
- and/or the desired equipment in the service facility (e.g., electrical preheating devices, route access, etc.)
- and/or the preferred OT(s) in the service facility, if any.

This must allow Infrabel, if possible, to evaluate in advance which track(s) is/are required for parking or carrying out the shunting operations. In that case, the desired track(s) will be included in the planning.

Appendix F.1 specifies the maximum occupancy time for each track belonging to this type (in hours). In certain cases, these tracks are given the status of high-density tracks (see point 7.3.4.4).

- Reserveable tracks (RT)

Yard tracks are given the status of reservable tracks (RT) if, for at least the duration of a timetable, the tracks are not needed for any purpose other than long-term parking, and provided that it does not interfere with:

- the operation of the lines giving access to the service facility, as well as the circulation tracks belonging to the service facility;
- the operations of undertakings associated with the service facility;
- the daily operation of the service facility (shunting, short-term parking, reutilisation, etc.).

The reserveable tracks, thus mainly intended for the parking of rolling stock, must be reserved by the railway undertaking prior to the occupancy. They can be allocated to the railway undertaking for the duration of the timetable to which the reservation refers. The reservation requests for these tracks are classified - depending on the period in which they are submitted - as follows: annual requests, late requests, and ad hoc requests.

- Annual requests

The annual requests for the 2023 timetable can be submitted from 1 August to 13 September 2022. For this purpose, the railway undertaking must complete the request form (see appendix B.1.5) and send it by e-mail to [your.facilities@infrabel.be](mailto:your.facilities@infrabel.be).

Infrabel will acknowledge receipt of the request within five working days from the first working day following the submission of the request. If the form filled in by the railway undertaking is incomplete, Infrabel asks the railway undertaking within five working days from the first working day following the submission of the request to complete the missing information within a reasonable period of time. This period is determined by Infrabel and may not exceed 5 working days. The (completed) reservation request must be sent to Infrabel by 13 September 2022 at the latest. Any application that is still incomplete after this date will be automatically rejected.

If several annual requests from different railway undertakings concern the same track for the same period, a procedure for managing competing requests will be implemented (see point 7.3.4.6.7).

- Late requests

Late requests for the 2023 timetable are those submitted from 14 September 2022 until the last day of the 2023 timetable. For this purpose, the railway undertaking must complete the specific request form in appendix B.1.5 and send it by e-mail to [your.facilities@infrabel.be](mailto:your.facilities@infrabel.be). If the request is submitted from D-2 (working days) before the desired occupancy, it shall be sent directly to the signal box in charge of the concerned facility, with a copy to [your.facilities@infrabel.be](mailto:your.facilities@infrabel.be). The same applies to late requests concerning the reservation of an already allocated track submitted less than 5 working days before the first requested occupancy. The contact details of the signal boxes are given in appendix D.12.

Infrabel will acknowledge receipt of the request within five working days from the first working day following the submission of the request. If the form filled in by the railway undertaking is incomplete, Infrabel will ask the railway undertaking within five working days starting from the first working day following the submission of the request to complete the missing data within a reasonable period of time. This period is determined by Infrabel and may not exceed five working days. Requests that are incomplete after this period will be rejected.

When a late request relates to a track that has already been allocated for the period requested, a procedure for managing competing applications will be implemented (see point 7.3.4.6.7).

- Ad-hoc requests

The ad-hoc requests are the requests related to a punctual ad-hoc path request (i.e. an Ad-Hoc Request for a single journey day). They can be submitted from 18 October 2022 until the last day of the 2023 timetable. For this purpose, the railway undertaking must complete the specific request form (see appendix B.1.5) and attach it to its path request in *Book In* (or to the relevant form in appendix B of this document if *Book In* is not available, see point 4.2.2.2 of this document). If the request is made from D-2 (working days) before the desired occupancy, the railway undertaking shall use only the form (i.e. not *Book In*) and shall send it directly to the signal box in charge of the concerned facility, with a copy to [your.facilities@infrabel.be](mailto:your.facilities@infrabel.be). The same applies to ad-hoc requests related to the reservation of an already allocated track and submitted less than 5 working days before the first desired occupancy. The contact details of the signal boxes are given in appendix D.12.

Infrabel does not acknowledge receipt of the request if the form filled in by the railway undertaking is complete. If the form filled in by the railway undertaking is incomplete, Infrabel will ask the railway undertaking within five working days starting from the first working day following the submission of the request to complete the missing information within a reasonable period of time, so that Infrabel can respond to the ad-hoc request at the latest five working days after receiving the missing information. Requests that are incomplete after this period will be automatically rejected.

When an ad-hoc request concerns a track that has already been allocated for the same period, a procedure for managing competing requests will be implemented (see point 7.3.4.6.7).

#### 7.3.4.6.2 Special case for related railway undertakings

A related railway undertaking (RRU) is any association, company or legal entity entitled to request train paths and/or local capacity for the movement of equipment on the network for the purpose of homologation - certification or touristic journeys.

To submit a request for local capacity, the RRU must send the form in Appendix B.1.4 via e-mail to the functional mailbox of the Operational Planning office of the Area managing the relevant service facility, with the e-mail address `your.facilities@infrabel.be` in copy. The list of e-mail addresses of the Operational Planning offices is given in the form in Appendix B.1.4.

To request local capacity in real time, the RRU should address itself directly to the signal box in charge of the service facility concerned. The contact details of the signal boxes can be found in Appendix D.12.

#### 7.3.4.6.3 Allocation of local capacity

- Operational tracks (OT) / high-density tracks (HDT)

The assignment of operational tracks (or the high-density tracks (HDT) where relevant) are allocated in real time by the signal box after having been examined, if possible, by the the I-CBE.323 'Operational Planning' Offices. During this assignment, account shall be taken, as far as possible, of the requirements expressed by the railway undertaking or, where applicable, the non-railway undertaking applicant in its capacity request (see point 7.3.4.6.1).

The contact details of the signal boxes are given in Appendix D.12.

- Reservable tracks (RT)
  - Annual requests

Infrabel informs the railway undertakings by e-mail which tracks have been allocated to them for the 2023 timetable and this no later than 14 October 2022.

If several railway undertakings request the same track for the same period, Infrabel applies a procedure for managing competing requests which is described in point 7.3.4.6.7. For competing requests, the response time can be extended, if all parties agree, if the procedure has not yet been completed at that time.

- Late requests

Late requests will be treated by Infrabel in chronological order, taking into account the date of submission of the complete reservation request by the railway undertaking.

Infrabel shall allocate the track, if available, to the railway undertaking by e-mail, no later than 30 calendar days starting from the first working day following the sending of the acknowledgement of receipt indicating that the request is complete.

If the request relates to a track that has already been allocated for the same period, Infrabel will apply a procedure for managing competing requests, which is described in point 7.3.4.6.7. For a competing request with a track that has already been allocated, the response time of 30 calendar days may be extended, if all parties agree, if the procedure has not yet been completed at that time.

For all late requests submitted during the allocation period of the annual requests (from 14 September to 14 October 2022), the response period of 30 calendar days starts at the earliest on 15 October 2022, depending on the moment of submission of the late, complete request.

- Ad-hoc requests

Ad-hoc requests are treated by Infrabel in chronological order, taking into account the date of submission of the complete reservation request by the railway undertaking.

Infrabel shall allocate the track, if available, to the railway undertaking at the latest within five working days starting from the first working day following the reception of the request if it is complete, or, if the request is incomplete, after sending the acknowledgement of receipt indicating that the request is complete following receipt of the necessary information.

If the request relates to a track that has already been allocated for the same period, Infrabel will apply a procedure for managing competing requests, which is described in point 7.3.4.6.7.

The request as well as the confirmation of the related capacity (train path) is made via *Book In*, except for requests sent to the signal box.

- General rules

The reservation of a reservable track does not give rise to any absolute obligation on the part of Infrabel to grant access to the track of that service facility. For operational or technical reasons, Infrabel may modify a local capacity allocation and allocate a similar alternative local capacity (zie punt 7.3.4.6.5).

Every railway undertaking that parks or has equipment parked on a specific track is responsible for this equipment until it is removed. Any other agreement must be formally communicated to Infrabel.

#### 7.3.4.6.4 Modification of local capacity by the railway undertaking

Any request to modify an allocation of a reservable track must be submitted using the appropriate form at [your.facilities@infrabel.be](mailto:your.facilities@infrabel.be).

#### 7.3.4.6.5 Suspension or modification of local capacity by Infrabel

Infrabel may suspend or modify the occupancy of a track when:

- there is a capacity problem in the service facility concerned which may lead to the blocking of the facility or the reservable track
- the reservable track that is never used
- the reservable track must be made unavailable due to operational or technical necessities
- the reservable track is necessary to carry out works on the service facilities (see point 7.3.4.6.8)
- the reservable track must allow Infrabel to fulfil its obligations to provide services to the nation as defined in Article 150 of the performance contract between Infrabel and the Belgian State, by giving priority to this type of request when needed by the Federal Public Service (FPS) for Internal Affairs or the Ministry of Defence.



If Infrabel should notice the underutilisation of a reservable track it will contact the railway undertaking concerned to analyse the situation and to determine in consultation with the railway undertaking whether the allocation of the track should be suspended or modified.

#### 7.3.4.6.6 Cancellation of local capacity

In accordance with Article 9, point 8 of Implementing Regulation (EU) 2017/2177, a railway undertaking which does not intend to use a reservable track allocated to it by Infrabel must inform Infrabel of this as soon as possible sending the appropriate form via e-mail to [your.facilities@infrabel.be](mailto:your.facilities@infrabel.be). This cancellation shall not entail any costs for the railway undertaking.

The local capacity that the railway undertaking has cancelled is considered to be available again.

#### 7.3.4.6.7 Coordination procedure

As mentioned above, Infrabel applies a procedure for managing competing requests for reservable tracks when at least two railway undertakings want to reserve the same track during the same period.

This procedure differs according to whether the requests are annual, late or ad-hoc:

- Annual requests

All requests submitted during the scheduled period within the annual process are considered as submitted at the same time (see point 7.3.4.6.3). Competing requests can only occur if two or more railway undertakings request the same reservable track for the same period.

##### *a) Coordination procedure - operational solutions in the service facility*

To deal with competing requests submitted during the annual reservation phase, i.e. when at least two railway undertakings wish to reserve the same reservable track for the same period, Infrabel applies a coordination procedure based on dialogue between Infrabel and the railway undertakings concerned in order to try to meet all of the commercial needs.

During this procedure, Infrabel initially proposes operational measures to the different parties in order to find a solution in the service facility in question, taking into account the needs expressed in advance by the railway undertakings (e.g. track length, presence of the necessary equipment, etc.) by means of the motivation report which must be sent to Infrabel within 7 calendar days from the start of the coordination procedure (see form B.1.5). These operational measures may involve the allocation of another track in the service facility or sharing the requested track (by time slots, weekdays, etc.).

Infrabel shall develop operational solutions as far as possible within the limits of available capacity. Railway undertakings are required to confirm or reject the operational solution proposed by Infrabel within three working days of its sending by Infrabel. In the absence of a response, the operational solution is considered to have been accepted.

##### *b) In case the coordination process is not successful - application of priority criteria*

If at least one of the railway undertakings concerned rejects Infrabel's operational solution(s), Infrabel will apply the following priority criteria (in the following order) to allocate the track in conflict:

1. the existence of a contract which justifies the commercial or public service reason for obtaining the requested track
2. the number of scheduled days of track occupancy for the timetable concerned by the request
3. taking into account the total volume of reservable track that will be allocated to each railway undertaking:
  - I. Firstly, the number of reservable tracks which will be allocated to each railway undertaking within the yard for which the reservation request was made; the

allocation will be made to the railway undertaking which will, in principle, be allocated the least number of reservable tracks

- II. Secondly, if no allocation could be made on the basis of the first criterion, account shall be taken of the number of reservable tracks that will, in principle, be allocated within all the yards belonging to the same local protocol or, where appropriate, to the same area (see appendix E.2) as the yard for which the competing requests have been submitted
4. the effective use of the tracks in the yard(s) since their last allocation. This criterion does not apply if the applicant is reserving tracks in the yard(s) for the first time, or if the actual use cannot be measured by Infrabel.

Infrabel shall notify the railway undertaking(s) to whom the track has not been allocated as a result of the application of the criteria of this decision, as well as the regulatory body at the latter's request.

*c) Identifying viable alternatives outside the facility*

The railway undertaking which has not obtained the requested track following the coordination procedure will examine with Infrabel whether there are viable alternatives that would allow the transport service (freight/passenger) to be carried out on the same route or on an alternative route under economically acceptable conditions via another service facility belonging to Infrabel or to other operators, including a service facility located in another Member State.

If Infrabel and the railway undertaking do not agree on a viable alternative, Infrabel shall reject the request. In this case, Infrabel will inform the railway undertaking and the regulatory body.

The railway undertaking can refuse to participate in this joint evaluation procedure for viable alternatives. As soon as the railway undertaking declares that it does not want to continue with Infrabel in the search for viable alternatives, the procedure ends, Infrabel rejects the request and notifies the railway undertaking and the regulatory body accordingly.

The railway undertaking can file a complaint with the regulatory body, which will investigate the matter and, if necessary, take measures to ensure that an appropriate part of the capacity is allocated to the railway undertaking concerned, in accordance with Article 9 paragraph 5 of the Railway Code.

- Late / ad-hoc requests

Late requests and ad-hoc requests are treated by Infrabel in chronological order, taking into account the date on which the railway undertaking submitted the complete reservation request. Late requests and ad-hoc requests can therefore not compete with each other and can only conflict with a new reservation request for a track that has already been allocated for the requested period.

*a) Coordination procedure - operational solutions in the service facility*

If a late request or ad-hoc request conflicts with a track that has already been allocated, Infrabel applies a coordination procedure based on dialogue between Infrabel and the railway undertakings concerned in order to try to satisfy all of the commercial needs.

During this procedure, Infrabel proposes different operational solutions within the bundle to the applicant wherever possible. This railway undertaking must reject or confirm the operational solution proposed by Infrabel within the time limit fixed by Infrabel when it makes its proposals. If no response is received, the operational solution is considered to have been accepted.

If the applicant refuses these solutions, Infrabel shall suggest to the railway undertaking which already has the right of access that it enters discussions to determine the extent to which it could have the right of access modified in order to meet the demand of the other railway undertaking (these measures

may concern, in particular, the allocation of another track in the facility or sharing the requested track (by time slots, by weekday, etc.)). If the railway undertaking agrees to begin discussions, it must confirm or reject Infrabel's proposal(s) for an operational solution within the period of time determined by Infrabel when it made its proposals. The same applies to the new applicant with regard to these new proposals. In the absence of a response from the railway undertaking to which access has already been granted, the operational solution is considered to have been rejected by it. If the new applicant does not respond, the operational solution will be considered to be accepted by it.

If the railway undertaking which already has the right of access refuses to enter into discussions or does not respond within the period determined by Infrabel, it shall retain the capacity as previously allocated. If, following this refusal, it is concluded that no other operational solution can be offered to the new applicant, Infrabel will immediately propose viable alternatives.

*b) In case the coordination process is not successful - identifying viable alternatives outside the facility*

If the coordination procedure is unsuccessful, the new applicant and Infrabel shall examine whether there are viable alternatives that would allow the transport service (freight/passenger) to be carried out on the same route or on an alternative route under economically acceptable conditions via another service facility belonging to Infrabel or to other operators, including a service facility located in another Member State.

If Infrabel and the railway undertaking do not agree on a viable alternative, Infrabel shall reject the request. In this case, Infrabel will inform the railway undertaking and the regulatory body.

The railway undertaking can refuse to participate in this joint evaluation procedure for viable alternatives. As soon as the railway undertaking declares that it does not want to continue with Infrabel in the search for viable alternatives, the procedure ends, Infrabel rejects the request and notifies the railway undertaking and the regulatory body accordingly.

The railway undertaking can file a complaint with the regulatory body, which will investigate the matter and, if necessary, take measures to ensure that an appropriate part of the capacity is allocated to the railway undertaking concerned, in accordance with Article 9 paragraph 5 of the Railway Codex.

#### 7.3.4.6.8 Allocation of local capacity for maintenance, renewal and expansion

Any request for track occupancy by Infrabel for the purpose of maintaining the service facility or parking its rolling stock for the purpose of carrying out the works in this facility or a facility nearby takes precedence over any other reservation.

Communication of the works in the service facilities is subject to the same provisions as communication of the works on the lines (see point 4.3.2).

#### 7.3.4.6.9 Non-use measures

The charge for track access in the service facility is levied in accordance with the provisions set out in point 7.3.1.3.

However, the non-use of an operational track or a reservable track does not entail any costs for the applicant.

#### 7.3.4.6.10 Exceptional transports

Where an exceptional transport is planned to be parked in a service facility but, because of its size, this transport obstructs one or more tracks on either side of the track it will occupy in that service facility,

the applicant must ensure that it has provided Infrabel with all the information necessary for the safe parking of the exceptional transport.

#### 7.3.4.6.11 Transport of dangerous goods

The capacity request is processed in accordance with point 4.7.2.

#### 7.3.4.6.12 Special measures in the event of a disruption

Where the track occupancy by the rolling stock differs from that corresponding to the allocated capacity, Infrabel will adapt the allocation of capacity to achieve an occupancy of the capacity corresponding to the allocated capacity as soon as possible.

The allocated capacity can be changed by Infrabel:

- either as a result of necessary works to restore the normal situation after a disruption during track occupancy by rolling stock due to a technical failure or accident on the railway infrastructure, or
- or as a result of an emergency, absolute necessity or force majeure.

Infrabel will inform the holder of the capacity concerned as soon as possible. Infrabel will make every effort to reduce the frequency, extent and duration of disruptions affecting the occupancy of the track by rolling stock.

The operating restrictions and possibilities of local capacity are notified to the railway undertakings and alternatives sought by mutual agreement.

If the allocated capacity is completely unusable and no alternative solution can be worked out, Infrabel may cancel the local capacity concerned without prior notice for the time needed to restore the service facility. It will inform the holder of the local capacity accordingly.

Without prejudice to the provisions of the track access agreement and the capacity agreement, disruptions that affect access to or use of the service facility shall not entitle the capacity holder to any compensation from Infrabel. The user charge shall be due for the latest version of the capacity allocated at the applicant's request, except in the event of the cancellation of allocated capacity.

#### 7.3.4.6.13 Congested areas: definition, priority criteria and allocation process in these areas

In accordance with current legislation, the priority criteria set out in point 4.6.1 do not apply to local capacity.

#### 7.3.4.6.14 Impact of framework agreements

These framework agreements do not apply when local capacity is being reserved.

### 7.3.5 Storage sidings

See point 7.3.4.

### 7.3.6 Maintenance facilities

Infrabel does not operate facilities for the maintenance of rolling stock.

### 7.3.7 Other technical facilities

Infrabel makes various technical facilities available to railway undertakings (and in particular the yards, see point 7.3.4). The list of these facilities and their location is given in appendix F.1.

### **7.3.8 Maritime and inland port facilities**

Infrabel does not operate any maritime or inland port facilities.

### **7.3.9 Relief facilities**

Infrabel does not operate any relief facilities.

### **7.3.10 Refueling facilities**

In Genk, Infrabel is making a tank platform without fixed refuelling facilities available to railway undertakings.

Infrabel does not supply fuel for refuelling diesel vehicles.

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