



Network Statement

Valid from 13/12/2020 to 11/12/2021

Version of 25/03/2021

INFRABEL



Version control

Version	Date	Adaptations <i>(More details can be found in the document “Network Statement – Modifications”, which is available on the website www.infrabel.be)</i>
1	13/12/2019	First version
2	24/03/2020	<ul style="list-style-type: none"> General: adaptation of websites and certain contact details (as a result of changes to Infrabel's organisation chart; the <i>Traffic Management & Services</i> directorate was split into the <i>Customer & Business Excellence</i> directorate and the <i>Traffic Operations</i> department) and reformulation of descriptive texts; Addition of a new appendix: C.8 'communication IB-IG' card.
3	10/04/2020	<ul style="list-style-type: none"> Point 1.8.6: adaptation of the contact person of RFC North Sea – Mediterranean (Corridor One-Stop Shop); Point 4.4.1.1: adaptation of the notion of "reasonable limits" as a result of the discussions in the "network statement" subgroup of the coordination mechanism; Point 4.5: removal of the texts relating to the national work window and traffic-free periods and addition of the text on possessions and TCR integrated into the timetable, as a result of the discussions held within the "works" subgroup of the coordination mechanism.
4	22/06/2020	<ul style="list-style-type: none"> General: modification of the logos for the services offered by Infrabel; The conversion of the RSEIF (<i>Règlement de Sécurité de l'Exploitation de l'Infrastructure Ferroviaire</i> - Safety Regulation for the Exploitation of the Rail Infrastructure) to the RDEI (<i>Réglementation et Documentation pour l'Exploitation de l'Infrastructure</i> - Regulations and Documentation for the Operation of Infrastructure) and of the LST (<i>Livret du Service des Trains</i> - Book of Train Service) to the RIEI (<i>Registre de l'Information pour l'Exploitation de l'Infrastructure</i> - Register of Information for the Operation of Infrastructure) has been postponed indefinitely. Consequently, all references to the RDEI and the RIEI are removed from the network statement.
5	07/07/2020	<ul style="list-style-type: none"> Point 4.9: adaptation of the texts concerning local capacity following the discussions held within the “Network Statement” subgroup of the coordination mechanism.



6	20/08/2020	<ul style="list-style-type: none"> – Chapters 5 (in particular point 5.4.2) and 6 (in particular point 6.3.4.2): the “other transport and distribution services for traction current supply” service is now, following the advice A-2019-04-SC of the Regulatory Body for Railway Transport, considered as an additional service (instead of a minimum service); – Point 6.3.1.1.2: adaptation of the definition of the hyper-peak parameter of the Ramsey-Boiteux markup, following the decision D-2020-02-S and the advice A-2020-03-S of the Regulatory Body for Railway Transport; – As a result of the two modifications mentioned above, appendices F.2 and F.3 have also been updated; – Point 5.3.1.3: reference to the new appendix E.5: Description of the service facility “marshalling installation Antwerpen-Noord”.
7	19/11/2020	Points 1.8.1, 1.8.3, 1.8.4, 1.8.5 and 1.8.7: adaptation of certain contact details.
8	11/12/2020	Harmonisation of the texts with those of the network statement 2022.
9	25/03/2021	<ul style="list-style-type: none"> – In general: addition and modification of websites and certain contact details; – The RSEIF (Règlement de Sécurité de l’Exploitation de l’Infrastructure Ferroviaire - Safety Regulation for the Exploitation of the Rail Infrastructure) was converted into the RDEI (<i>Réglementation et Documentation pour l’Exploitation de l’Infrastructure</i> - Regulations and Documentation for the Operation of Infrastructure) and the LST (Livret du Service des Trains - Book of Train Service) was converted into the RIEI (<i>Registre de l’Information pour l’Exploitation de l’Infrastructure</i> - Register of Information for the Operation of Infrastructure). The references to these documents have therefore been updated; – Points 2.2.4, 2.7.2 and 6.3.1.3.2: adaptation of texts relating to safety certificates and to the placing on the market of vehicles, following the modification of the Rail Code on 20 January 2021; – Point 2.3.5.1: adaptation of texts relating to the maximum authorised loads in application of the Commission Implementing Regulation 2019/773 of 16th May 2019 <i>on the technical specification for interoperability relating to the operation and traffic management subsystem of the rail system within the European Union</i>.


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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 management 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. 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:

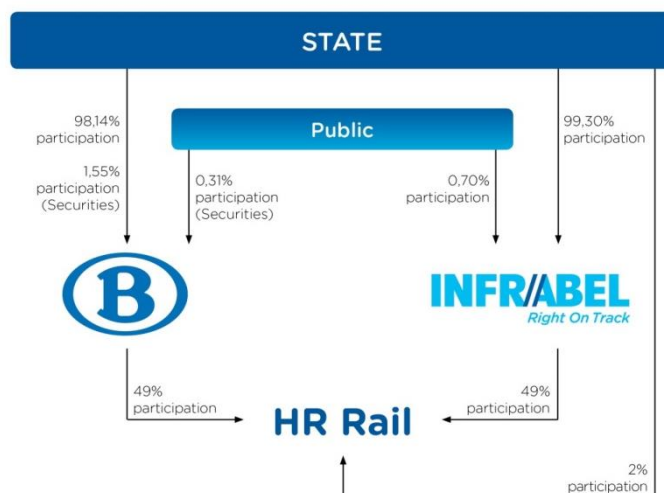
- as infrastructure manager when providing minimum services as defined in point 1 of Appendix 1 to the Rail Code (see point 5.2);
- as service facility operator when providing access to and services in the service facilities as referred to in Appendix 1, point 2 of the Rail Code (see point 5.3) and when providing supplementary and ancillary services as referred to in Appendix 1, points 3 and 4 of the Rail Code (see points 5.4 and 5.5).

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 Law dated 30 August 2013 concerning the Rail Code (Articles 20 to 22) gives the infrastructure manager the task of drafting and publishing the network statement after consultation with the regulatory body, the applicants (see definition in Annex A.1) that wish to obtain capacity and the railway undertakings travelling on the network.

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



1.2 Objective

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 Rail Code* 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 Rail Code. The infrastructure manager must also consult the regulatory body, applicants wishing to acquire capacity 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, together with information about where these services can be accessed, how they are allocated, what charges apply, and the conditions for gaining access to services.

1.3 Legal framework and regulation

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 Rail Code (hereafter Rail Code) 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: Eur-lex.europa.eu/homepage.html?locale=en
Laws, Royal Decrees (RD) and ministerial orders (MO)	Federal Public Service for Mobility and Transport: www.mobilit.belgium.be Or Belgian Gazette: http://www.just.fgov.be

Legal framework	Websites
The Regulation concerning the International Carriage of Dangerous Goods by Rail (RID)	Federal Public Service for Mobility and Transport: www.mobilit.belgium.be/nl/spoorwegverkeer/gevaarlijke_goederen/wetgeving
International Union of Railways (UIC) leaflets	International Union of Railways: www.uic.org 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.

1.4 Legal status

1.4.1 General remarks

Pursuant to Article 3, 22° of the Rail Code, 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 capacities; this document also contains all other information required in order to apply for railway infrastructure capacities.

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 Rail Code.

1.4.2 Liability

Some data provided in the present network statement may evolve according to the transposition of the European directives into Belgian legislation. Legislative or regulatory texts adopted after the publication of the network statement will be applicable automatically in line with the arrangements they provide for, without the need for the network statement to be updated. However, Infrabel undertakes to adapt the network statement following any change in legislation or regulations the month after their publication.

If, despite all the efforts of Infrabel to produce correct information, there should be any differences from legal texts, the latter shall prevail. 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 strives in particular to rectify any reported errors as quickly as possible, and shall bear no further responsibility as a result.

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

1.4.3 Appeals procedure

1.4.3.1 Administrative appeal

Pursuant to Article 62, § 5 of the Rail Code, 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 1.8.2) 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 preliminary 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 Rail Code;
- the provisions in terms of access to service facilities contained in Article 9 of the Rail Code;
- 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 Rail Code.

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(3) of the Rail Code, 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.

1.4.3.2 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 (4) of the Rail Code, 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.

1.5 Structure of the network statement

The structure of this network statement follows the 'Network Statement Common Structure' 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://www.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 defines the legal requirements and conditions of access to the railway network;
- Chapter 3 describes the main technical and functional characteristics of the railway network;
- Chapter 4 sets out the procedure for the capacity allocation;
- Chapter 5 gives an overview of the services offered by Infrabel and operators of service facilities linked to Infrabel's network;
- Chapter 6 refers to the charges for the services offered.

1.6 Validity and updating process

1.6.1 Validity period

The present network statement applies to capacity requests submitted for the 2021 timetable and traffic for the 2021 timetable (from Sunday 13 December 2020 to Saturday 11 December 2021).

1.6.2 Updating process

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 one month to make their observations.

Moreover, Infrabel keeps the network statement up to date. Any modification of the network statement in the course of the year is announced in the document "Network statement – Modifications". on the site www.infrabel.be/en/networkstatement. In addition, the versions in which the changes are visible (i.e. with track changes) are available on the *Business Corner*.

In the event of a substantive modification, the railway undertakings, the applicants and the regulatory body are advised by letter or e-mail. 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 Rail Code.

1.7 Publishing

In accordance with article 22 of the Rail Code, 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 capacities (see point 4.3.1). Its publication is announced via a notice in the Belgian Gazette.




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




The website www.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.

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.

1.8 Contacts

1.8.1 Infrabel

Area of Responsibility	Contact Details
General contacts network statement	<i>Customer & Business Excellence</i> Directorate 10-31 I-CBE.424 Place Marcel Broodthaers, 2 B-1060 Brussels Tel: + 32 2 432 28 23 Email: customercare@infrabel.be
Account management (Key Account Managers)	<i>Customer & Business Excellence</i> Directorate 10-31 I-CBE.411 Place Marcel Broodthaers, 2 B-1060 Brussels Tel: + 32 2 432 28 27 Email: accountmanagement@infrabel.be
Path requests and long-term (LT) timetable adjustments 	<i>Customer & Business Excellence</i> Directorate 10-30 I-CBE.332 Avenue Fonsny, 13 B-1060 Brussels Freight Tel: + 32 2 432 28 46 E-mail: longterm.freight@infrabel.be Passengers Tel: + 32 2 432 29 11 Email: network.passengers.path.allocation@infrabel.be
Path requests and short-term (ST) timetable adjustments and path requests for exceptional transports  	<i>Customer & Business Excellence</i> Directorate 10-30 I-CBE.322 Avenue Fonsny, 13 B-1060 Brussels Email: shortterm.traffic@infrabel.be bv.te@infrabel.be (Exceptional Transport)

Area of Responsibility	Contact Details
Path requests and real-time (RT) timetable adjustments 	<i>Traffic Operations Service</i> 10-06 I-TO.16 Rue Bara, 110 B-1070 Brussels Fax : + 32 2 525 41 28 Email: trafficcontrol.trainpathmanager@infrabel.be
Coordination works North and Centre	<i>Customer & Business Excellence Directorate</i> 10-30 I-CBE.333.N Avenue Fonsny, 13 B-1060 Bruxelles Email: itms.north.center@infrabel.be
Coordination works South and Centre	<i>Customer & Business Excellence Directorate</i> 10-30 I-CBE.333.S Avenue Fonsny, 13 B-1060 Bruxelles Email: itms.south.center@infrabel.be
National works coordination cell	<i>Customer & Business Excellence Directorate</i> 10-30 I-CBE.321 Avenue Fonsny, 13 B-1060 Bruxelles Email: itms.national.coordination.cell@infrabel.be
Service facilities 	<i>Customer & Business Excellence Directorate</i> 10-30 I-CBE.322.C Avenue Fonsny, 13 B-1060 Brussels Email: your.facilities@infrabel.be
Utilisation charges	<i>Customer & Business Excellence Directorate</i> 10-31 I-CBE.423 Place Marcel Broodthaers, 2 B-1060 Brussels Email: 41423.gebruiksrechtredavance@infrabel.be
Exceptional transport Organisation: studies and authorisations 	<i>Customer & Business Excellence Directorate</i> 10-30 I-CBE.144 Avenue Fonsny, 13 B-1060 Brussels Email: yourxxl@infrabel.be

Area of Responsibility	Contact Details
TTR Pilot & One-Stop Shop (OSS) Infrabel	<i>Customer & Business Excellence</i> Directorate 10-30 I-CBE.332 Avenue Fonsny, 13 B-1060 Brussels Tel: + 32 2 432 28 20 Email: oss-rne@infrabel.be
National TTR Manager	<i>Customer & Business Excellence</i> Directorate 10-30 I-CBE.332 Avenue Fonsny, 13 B-1060 Brussels Tel: + 32 2 432 28 08 Email: thomasgerd.vanbeveren@infrabel.be
Arbitration Punctuality	<i>Customer & Business Excellence</i> Directorate 10-30 I-CBE.22 Avenue Fonsny, 13 B-1060 Brussels Tel: + 32 2 432 28 35 Email: arbitration_punctuality@infrabel.be
General secretariat of the Performance Scheme Management Body (PSMB)	<i>Customer & Business Excellence</i> Directorate 10-30 I-CBE.22 Avenue Fonsny 13 B-1060 Brussels Tel: + 32 2 525 47 93 Email: 533.punctualitymanagement@infrabel.be
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: yourpower@infrabel.be
Technical inspection of rolling stock (without the use of train paths) 	<i>Customer & Business Excellence</i> Directorate 10-30 I-CBE.143 Avenue Fonsny, 13 B-1060 Brussels Tel: + 32 2 432 29 41 Email: homat@infrabel.be

Area of Responsibility	Contact Details
Admission of rolling stock (in train path)	<i>Customer & Business Excellence</i> Directorate 10-30 I-CBE.145 Avenue Fonsny, 13 B-1060 Brussels Tel: + 32 2 432 57 48 Email: homat@infrabel.be
Transport of dangerous goods	<i>Customer & Business Excellence</i> Directorate 10-30 I-CBE.133 Avenue Fonsny 13 B-1060 Brussels Tel: + 32 2 432 29 36 Tel: + 32 2 432 29 37 Email: geoffrey.cambier@infrabel.be kristof.dhoker@infrabel.be

1.8.2 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*)

Contact Person	Contact Details
Mr. Serge DRUGMAND, director	Boulevard du Jardin Botanique, 50 boîte 72 B-1000 Brussels Tel: + 32 2 277 45 22 www.regul.be Email: info@regul.be

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

Area of Responsibility	Contact Person	Contact Details
Safety certificates, certification of staff and rolling stock	Mrs. Martine SERBRUYNS, director	City Atrium Rue du Progrès, 56 B-1210 Brussels Tel: + 32 2 277 39 11 Email: info@nsarail.fgov.be

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

Contact Person	Contact Details
Mr. Georges GILKINET	FINTO - Boulevard du Jardin Botanique, 50 B-1000 Brussels Tel : + 32 2 220 20 11 E-mail: info@gilkinet.fed.be

1.8.5 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 Email: bertrand.detroux@mobilit.fgov.be
	Mr. Thierry DE GHELLINCK (DU)	City Atrium Rue du Progrès, 56 B-1210 Brussels Directorate-General for Sustainable Mobility and Railway Policy Tel : + 32 2 277 36 40 / + 32 472 18 83 99 Email : thierry.deghellinck@mobilit.fgov.be

1.8.6 Neighbouring Infrastructure managers

Information on the railway infrastructure of the neighbouring countries is also given in a network statement, which is available from:

Country	Infrastructure Managers	Websites
Netherlands	ProRail B.V.	www.prorail.nl www.prorail.nl/samenwerken/vervoerders/network-statement
Germany	DB Netz AG	fahrweg.dbnetze.com/fahrweg-de fahrweg.dbnetze.com/fahrweg-de/kunden/nutzungsbedingungen/nutzungsbedingungen/sc-hienennetz_benutzungsbedingungen

Country	Infrastructure Managers	Websites
Luxembourg	Administration des Chemins de Fer (Allocation body)	railinfra.lu/index.html railinfra.lu/Document_reference/index.html
	Société Nationale des chemins de fer Luxembourgeois (infrastructure manager)	www.cfl.lu (see network statement of ACF)
France	SNCF Réseau	www.sncf-reseau.com/fr www.sncf-reseau.com/fr/documents-reference-reseau

Contact information for the OSS RNE can be found at www.rne.eu/organisation/oss-c-oss

1.8.7 Corridor One-Stop Shop (C-OSS)

RFC	Contact Person	Contact Details
Rhine-Alpine	Mrs. Stephanie BSCHEID	Corridor One-Stop Shop Mainzer Landstraße 203 D-60326 Frankfurt am Main Tel.: +49 69 265 31 120 Mobile: + 49 160 97 46 75 34 Fax: +49 69 625 30 503 E-mail: oss@corridor-rhine-alpine.eu www.corridor-rhine-alpine.eu/c-oss.html
North Sea-Mediterranean	Mr. Jean QUAEYHAEGENS	Corridor One-Stop Shop 10-30 I-CBE.302 (Corridor NSM) Avenue Fonsny, 13 B-1060 Bruxelles Tel.: +32 2 2 432 58 95 Mobile: +32 490 47 15 22 E-mail: oss@rfc2.eu www.rfc-northsea-med.eu/en/page/capacity

RFC	Contact Person	Contact Details
North Sea - Baltic	Mrs. Felicia RIEDL	Corridor One-Stop Shop Mainzer Landstraße 201-203 D-60326 Frankfurt am Main Tel.: + 49 69 265 26 778 Mobile: + 49 160 97 45 75 24 Fax.: + 49 69 265 30 503 E-mail: coss@rfc8.eu www.rfc8.eu/corridor/organization/c-oss/

1.8.8 European Railway Agency (ERA)

Area of Responsibility	Website
Single safety certificates and vehicles authorisations for placing on the market	www.era.europa.eu

1.9 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 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, UK, [CH]	Glasgow/Edinburgh/Southampton/Felixstone/Londen/Dunkerque/Lille/Liège/Paris/Amsterdam-Rotterdam-Zeebrugge/Antwerpen-Luxemburg-Metz-Dijon-Lyon/[Basel] / [Genève]-Marseille

RFC	Member States	Main routes
North Sea – Baltic ^o	DE, NL, BE, PL, LT, LV, EE, CZ	Wilhelmshaven/Bremerhaven/Hamburg/ Amsterdam/Rotterdam/Antwerpen-Aachen/Berlin- Warschau-Terespol (Poland-Belarus border)/Kaunas-Riga- Tallinn/Falkenberg-Praha/Wroclaw-Katowice

/ Signifies alternative routes.

^o 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: www.corridor-rhine-alpine.eu
- RFC North Sea – Mediterranean: www.rfc-northsea-med.eu
- RFC North Sea – Baltic: www.rfc-northsea-baltic.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 (www.rne.eu/rail-freight-corridors/corridor-information-documents).

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

RFC Rhine-Alpine: www.corridor-rhine-alpine.eu/corridor-information-platform.html

RFC North Sea – Mediterranean: www.rfc-northsea-med.eu/en/page/corridor-information-document

RFC North Sea – Baltic: rfc8.eu/cid/

The rules associated with the allocation of capacity (pre-arranged paths (PaP) or reserve capacity) on the freight corridors can be found in Book 4 of the CID. The contact details for the Corridor One-Stop Shops can be found in point 1.8.6.

1.10 RailNetEurope – International cooperation between infrastructure managers



Infrabel is a member of RailNetEurope (RNE), which is an umbrella organisation of European railway Infrastructure Managers and Allocation Bodies (IMs/ABs). RNE facilitates international railway business by developing harmonised international business processes in the form of templates, handbooks, and guidelines, as well as IT tools (see point 10.1.2).

More information about RNE is available on the website: www.rne.eu/organisation/rne-approach-structure.

1.10.1 One-Stop Shop (OSS)

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, from the initial questions related to network access to international path requests and performance reviews after a train run.

A list of OSS contact persons in Europe is available at www.rne.eu/organisation/oss-c-oss.

The details of the Belgian OSS are given under point 1.8.1 above.

In addition to OSS, there are also Corridor One-Stop Shops (C-OSS, see point 1.9) which allocate specific capacities to freight corridors. If an applicant wishes to reserve a pre-arranged path or a reserve capacity on the freight corridors, he must contact the Corridor One-Stop Shop for the freight corridor concerned, to be found in point 1.8.7 of this document.

1.10.2 Applications RNE

A brief introduction of the IT systems of RNE:

- Path Coordination System PCS
For the coordination of international train path requests, RailNetEurope has developed the Path Coordination System (PCS) application, which is freely available on the 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 reserving pre-arranged paths and reserve capacity on freight corridors and for submitting their requests within the framework of the TTR pilot project. A user account can be requested via the RNE PCS Support: support.pcs@rne.eu.

- Charging Information System (CIS) - cis.rne.eu

RailNetEurope has developed CIS (Charging Information System - cis.rne.eu). CIS is an infrastructure charging information system for applicants provided by infrastructure managers and allocating bodies. 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

- Train Information System (TIS) - tis.rne.eu

RailNetEurope has developed the Train Information System (TIS) for the international management of trains. TIS is a web-based application that supports international train management by delivering 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.

Railway undertakings and terminal operators may also be granted access to TIS and they can join the RNE TIS Advisory Board. All members of this Board grant all other members full access to TIS data if they are involved in the same train run. Without it, mutual agreements have to be signed between RUs and between RUs and terminal operators.

Access to TIS is free of charge. A user account can be requested via the RNE TIS Support: support.cis@rne.eu. More information can be found on tis.rne.eu.

1.10.3 “Timetabling and capacity redesign” (TTR) pilot projects

RailNetEurope (RNE) and Forum Train Europe (FTE), supported by the European Rail Freight Association (ERFA) are currently working on a Timetabling and Capacity Redesign (TTR). The objective

of TTR is to harmonise and improve the European rail timetabling system to significantly increase the competitiveness of railway transports.

For example, infrastructure capacity can be made available for specific purposes and will be safeguarded so that the requested capacity is better adapted to the effective use of the train path (i.e. Rolling Planning requests).

The TTR project is being rolled out in several phases. Four pilot projects will take place to test the TTR components. Infrabel and Prorail – its Dutch counterpart – are part of the “Antwerp-Rotterdam” pilot project. These pilots are operative since the timetable 2020. The aim of the pilots is to check if the new process fulfills the expectations and to provide the possibility to work on the details and elaborate possible adjustments prior to the full implementation of the new process in Europe.

A description of the pilot can be found in point 4.2.3. More information on the project is available on <http://ttr.rne.eu> as well as from the person responsible for TTR within Infrabel. The contact details can be found in point 1.8.1.

1.11 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/prime-news_en).

Infrabel is also a member of:

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



2. Access conditions

2.1 Introduction

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 are described in this second chapter. The terms also apply on the Belgian part of the freight corridors, which pass through the Belgian railway network.

2.2 General Access Requirements

2.2.1 Conditions for applying for capacity

The capacity may be a train path (service ) or a local capacity (service ). The applicants are responsible for making the link between these two services and submitting separate requests for each service.

The railway infrastructure capacity allocated to one applicant may not be transferred to any other applicant or service.

2.2.1.1 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 2.2.2, as well as more information relating to those allowed to perform train operations.

2.2.1.2 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) exists with Infrabel.

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

- not later than 7 calendar days before the first journey day of the train path concerned;
- at the latest at the time of the request for train paths if the first journey takes place less than 7 calendar days after the request;
- according to the rules of the Framework for Capacity Allocation of the freight corridors, with regard to pre-arranged paths and reserve capacity.

The applicant may change the designated railway undertaking by designating another railway undertaking 7 calendar days before the first journey day of the train path it is carrying out for the applicant.

2.2.2 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 goods. 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 Rail Code, 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 Rail Code, 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 Rail Code;
- 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 2.2.3);
- a single safety certificate (see point 2.2.4);
- 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 indicated by a non-railway undertaking applicant in order to use its railway capacity (see point 2.3.3);
- a civil liability insurance.

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).

Any railway undertaking wishing to make use of the local railway infrastructure (service facilities, etc.) must in addition first conclude a local agreement with Infrabel in which the respective rights and obligations of each party are defined (see point 2.3.1.2).

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.

2.2.3 Licence

In order to be recognised as a railway undertaking and to 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 1.8.4). 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 Rail Code 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 1.8.5).

2.2.4 Single safety certificate

As provided for in Article 99 of the Rail Code, in order to have access to the railway infrastructure, a railway undertaking must be in possession of a single safety certificate issued either by the European

Union Agency for Railways (ERA) (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 Rail Code).

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 Rail Code.

Detailed information on the single safety certificate can be found at 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).

2.2.5 Cover of liabilities

The liabilities of the railway undertakings are set out in the contract for the utilisation of the infrastructure (appendix B.2).

The Rail Code 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 (Annex B.3).

2.3 Commercial conditions

2.3.1 Contracts concluded between Infrabel and the railway undertaking

2.3.1.1 Track access agreement

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 Rail Code. The parties may seek the advice of the regulatory body as to the compatibility of the agreement envisaged with the provisions of the Rail Code 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.

2.3.1.2 Local agreements

The railway undertaking must sign a local agreement with Infrabel (manager *I-TO Area* – see contact details in appendix D.9) 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.

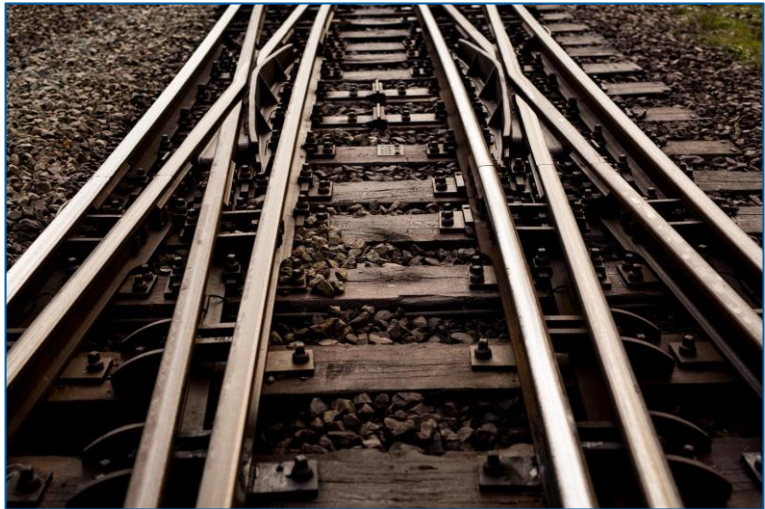
Railway undertakings are not allowed to run traction equipment, with or without vehicles, on the Belgian rail network without a train path allocated by the infrastructure manager to them or to the non-railway undertaking applicant that has designated them.

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 staff carrying out operations related to 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 *I-TO Area*. The Area 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 *I-TO Area* to which the service facility belongs. The addresses for the *I-TO Areas* can be found in appendix D.9 and the boundaries of the *I-TO Areas* are indicated on the network map (appendix C.1).

2.3.2 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). 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.

2.3.3 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 Rail Code 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.

2.3.4 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 and in the capacity agreement between Infrabel and an applicant, Infrabel based itself in particular on the European General Terms and Conditions (EGTC - https://rne.eu/wp-content/uploads/E-GTC-I_Agreement_RNE-CIT_EN-FR-DE_2014-09-01.pdf).

2.4 Operational rules

The operational rules, in other words the rules to be complied with by the train crew in everyday operations, 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. These documents can be consulted by the railway undertakings and the applicants on the *Business Corner*.

Infrabel's operational measures consist of three pillars:

- Supervision of the implementation of train planning

Real-time rail traffic control 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 rail traffic control 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 railway undertakings, adjusting the train service in accordance with the foreseeable consequences.

- Communications management

Real-time rail traffic control also involves the exchange of information between the operational services concerned (infrastructure manager and railway undertakings).

2.5 Exceptional transports

An exceptional transport is a transport in which:

- the equipment is not in conformity with the approval requirements and/or;
- the load or equipment exceeds the Belgian loading gauge (in height and/or width) and/or;
- the load exceeds the permissible maximum load and/or maximum length, and/or;

- the load is loaded on several 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 5.4.4.1.

The contact details for the office responsible for organising exceptional transports (studies and authorisations) can be found in point 1.8.1.

2.6 Transport of 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 the RDEI 341 – *Trains – Provisions*.

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 5.4.4.2.

The contact details of the office concerned can be found in section 1.8.1.

2.7 Admission of rolling stock

2.7.1 General information

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.

2.7.2 Authorisation to place rolling stock that uses train paths into service

According to Article 179/4 of the Rail Code, a vehicle may only be placed on the market after having received the vehicle authorisation for placing on the market issued by the European Union Agency for Railways (ERA) 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 Rail Code.

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 Rail Code, 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 (infrabel.be/en/railwayundertakings#admission-rolling-stock) or on the *Business Corner*.


In accordance with Article 8 of the Rail Code, 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/en/railway_transport/designated_bodies_debo_and_notified_bodies_no_bo) and railway undertakings for carrying out planned material tests in accordance with the provisions of Title 6 of the Rail Code 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(3)(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 Rail Code).

Furthermore, without prejudice to Article 8 of the Rail Code, for the purposes of paragraph 1 of article 179/12 of the Rail Code, 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 6.3.1.3.2).

2.7.3 Technical inspection of rolling stock used for journeys without the use of train paths

The infrastructure manager is tasked with the technical inspection of rolling stock used for journeys without the use of train paths on its railway infrastructure, 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 staff carrying out operations related to the operation of an installation or of 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).

2.8 Staff acceptance process

2.8.1 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 30 August 2013 *concerning the Rail Code*;
- 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: mobiliteit.belgium.be/nl/Resources/publicaties/spoorvervoer/pub_dvis_certificering_opleidingscentra.jsp;
- 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*.

2.8.2 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.

3. Infrastructure

3.1 Introduction

Points 3.2 to 3.5 of this chapter describe the functional and technical characteristics of the railway infrastructure operated by Infrabel. Points 3.6 and 3.7 concern service installations, whether or not operated by Infrabel. Finally, point 3.8 discusses some of Infrabel's modernisation projects.

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 Rail Code. 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 European Railway Agency (ERA). It is available at rinf.era.europa.eu/rinf.

3.2 Extent of network

3.2.1 Limits

The railway infrastructure is defined as being “all the elements referred to in Appendix 23” of the Rail Code.

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 occupation authorisation;
- tracks reserved for the technical services of Infrabel, a railway undertaking or any other undertaking.

3.2.2 Connected railway networks

The Belgian railway infrastructure provides access to the railway infrastructures of the countries neighbouring Belgium.

The names of the border points and of the infrastructure managers on the other side of the border appear in appendix D.3. Point 1.8.6 contains links to the websites of the neighbouring infrastructure managers.

Point 3.7 of this document contains information on the service facilities operated by third parties.

3.3 Network description

3.3.1 Geographic identification

3.3.1.1 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.

3.3.1.2 Track gauge

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*.

3.3.1.3 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 to be determined.

3.3.2 Capabilities

3.3.2.1 Loading Gauge

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

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 EN15273).

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.

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;

3.3.2.2 Weight limits

3.3.2.2.1 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.

3.3.2.2.2 Linear load

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

3.3.2.3 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)*.

3.3.2.4 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.

3.3.2.5 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.

3.3.2.6 Electrified lines

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.

Infrabel offers the railway undertakings 3 kV installations for preheating the carriages. This service is explained in point 5.4.3.

3.3.3 Traffic control and communication systems

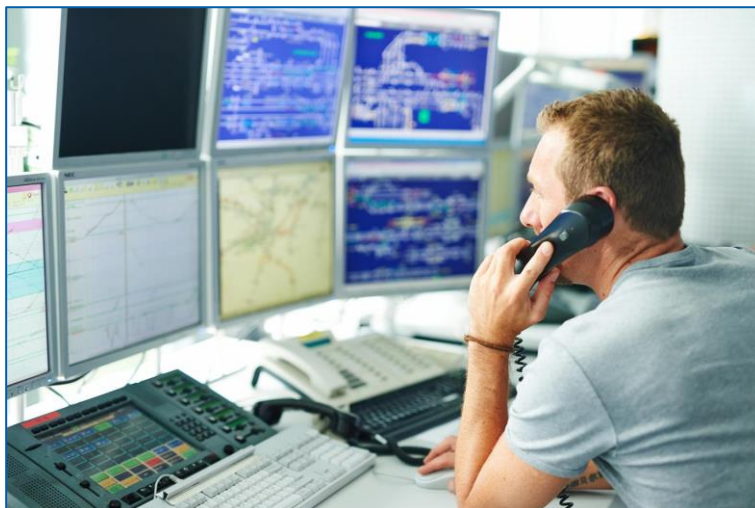
3.3.3.1 Signalling systems

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.

3.3.3.2 Traffic control systems

The traffic control centre is designed to monitor the evolution of the movements of the trains across the network in real time and to take the corrective measures necessary in the event of disruptions. It is equipped with high-tech systems (for example graphic screens giving an overview of the train itineraries, updated automatically on a daily basis) and modern communications equipment.



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

3.3.3.3 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 Traffic Control. 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. Infrabel has started to deploy this signalling system on the conventional network. This system is currently being tested on a part of L.73.

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: Austria, Belgium, Switzerland, Czech Republic, Germany, Denmark, Spain, France, Italy, Norway, the Netherlands, Sweden and Slovakia, Great Britain, Slovenia, Hungary and Luxembourg. An overview of the roaming possibilities between the different GSM-R networks can be found in appendix E.4.

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 (and 31 July 2020 for the lines with "ETCS level 2"), 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 off authorizations for placing in to 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).

3.3.3.4 Train control systems

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

The map in 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.

An update regarding the status of the equipment of the network with ETCS can be found in appendix C.6.

3.4 Traffic restrictions

3.4.1 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.

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

3.4.2 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 on the website of the European Union Agency for Railways and are available at www.era.europa.eu/content/noise-tsi-quieter-routes. Railway undertakings will be required to comply with the obligations arising from this Regulation.

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 agreement (see point 2.3.1.2), 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, as well as for the execution of the management contract, 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.

3.4.3 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.

3.4.4 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.

3.4.5 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.

3.5 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 4.5.

3.6 Service facilities

This point lists the service facilities that may be operated by infrastructure managers in accordance with Directive 2012/34/EU, and to which their railway networks give access. Infrabel operates some of these facilities.

For the service facilities operated by third parties, see point 3.7 below.

Appendix E.2 contains a list of the service facilities of all operators.

Access to the service facilities and the provision of services in these facilities are discussed in more detail in chapter 5.

3.6.1 Passenger stations

Infrabel does not operate passenger stations.

On the other hand, according to Appendix 23 of the Rail Code, 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.

3.6.2 Freight terminals

Infrabel does not operate freight terminals.

3.6.3 Marshalling yards and train formation facilities

Infrabel operates various yards for the formation and marshalling of trains, as well as for the parking of rolling stock.

The list of these yards can be found in appendix E.2 to this document. The technical equipment is listed in appendix F.1, and appendix D.7 shows the opening times of the yards.

Access to the yards requires the prior signature of a local agreement (see point 2.3.1.2).

3.6.4 Storage sidings

See point 3.6.3.

3.6.5 Maintenance facilities

Infrabel does not operate facilities for the maintenance of rolling stock.

3.6.6 Other technical facilities

Infrabel has technical equipment available in some of its facilities, notably for the provision of electricity, water and compressed air. The list of these facilities and their locations is given in appendix F.1.

3.6.7 Maritime and inland port facilities

Infrabel does not operate any maritime or inland port facilities.

3.6.8 Relief facilities

Infrabel does not operate any relief facilities.

3.6.9 Refuelling facilities

Infrabel has refuelling platforms that it makes available to all railway undertakings. These may be equipped with a fixed supply installation belonging to a third party. They are listed in appendix D.8.

3.7 Service facilities not managed by Infrabel

Both the Belgian law dated 30 August 2013 relating to the Rail Code 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 \(ENG\)*](#)
- [*Modèle commun applicable aux installations de service \(FR\)*](#)
- [*Gemeenschappelijke template voor dienstvoorzieningen \(NL\)*](#)

Infrabel invites operators of service facilities connected to the Belgian rail network and service providers to send their information to customercare@infrabel.be.

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

Appendix E.2 contains a list of the service facilities operated by third parties.

3.8 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 www.infrabel.be.

The channels of communication between Infrabel and its customers about works (or temporary capacity restrictions) can be found in points 4.5 and 4.9.3.

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).

4.2 Description of 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 Rail Code).

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 Rail Code, 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 2.2.1.1) and non-railway undertaking applicants (see point 2.2.1.2) can submit a capacity request or a request for a capacity study. Chapter 2 defines the necessary requirements for submitting a capacity request.

4.2.1.3 (Corridor) 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 www.rne.eu/organisation/oss-c-oss. The contact details of the Belgian OSS are given under point 1.8.1.

In addition to the OSS, there are also Corridor One-Stop Shops (C-OSS, see point 1.9) which 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, it must address the C-OSS of the freight corridor in question. Contact details can be found in point 1.8.7.

For the pre-arranged paths and reserve capacity on the freight corridors under Regulation (EU) No 913/2010, the allocation decisions are taken by the relevant C-OSS on behalf of the infrastructure managers and the infrastructure managers concerned and applicants are informed.

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

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

The powers of the regulatory body, in particular with regard to the allocation of infrastructure capacity, are described in points 1.4.3.1 to 1.4.3.2.

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 Rail Code, the implementing decrees and the network statement (Article 62, paragraph 3, 3° of the Rail Code).

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 Rail Code).

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 Rail Code) 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 (Articles 2 to 5).

For the other powers of the regulatory body, reference is made to the Rail Code and to the website of the regulatory body (www.regul.be/nl/spoorwegen).

4.2.2 Process for capacity requests and the allocation of train paths

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

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

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

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.

4.2.2.1 Applying for train paths

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 other than those requested by Infrabel.

Capacity requests for the above categories must be submitted in accordance with the timetable and phases described in point 4.3 and the rules set out in the following points.

	Long term	Short term	Real time
International requests	New Path, Late Path and Ad Hoc Requests: via the PCS application (<i>Path Coordination System</i>) or via the <i>Book In</i> application. Duplicate requests, i.e. identical applications introduced in both systems, are not allowed.	Ad Hoc Requests: via the PCS application (<i>Path Coordination System</i>) or via the <i>Book In</i> application. Duplicate requests, i.e. identical applications introduced in both systems, are not allowed.	Ad Hoc requests: Mandatory via the <i>Book In</i> application.
	If an application is not available, the applicant is given the choice of using the other application or the forms in the appendices below:		If Book In is not available, applicants must use the forms in the following appendices:
	<ul style="list-style-type: none"> – B.1.1 (freight) – B.1.3 (passengers / technical runs) 	<ul style="list-style-type: none"> – B.1.2 (freight) – B.1.3 (passengers / technical runs) 	<ul style="list-style-type: none"> – B.1.2 (freight) – B.1.3 (passengers / technical runs)
<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 4.2.3).</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>			
National requests	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.		

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

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.

The *Path Coordination System* (PCS) application is available on the *RailNetEurope* website (<https://www.rne.eu>). In order to be able to use it, access codes must be requested from RNE (see point 1.10.2).

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 1.8.1).

The infrastructure manager checks the validity of the request for capacity and carries out the technical review.

In order to enable the infrastructure manager to provide the best possible service, any applicant requesting capacity for a freight train starting from or arriving at a facility, which is not the origin or destination of the wagons, is highly recommended to provide certain additional information. The following should be mentioned in the application or on the capacity request form that he uses to submit his capacity request:

- the origin and/or destination of the wagons, even if moved in partnership with another operator;
- the expected duration of the stay in the installation in question;
- the name of the other railway undertaking providing the movement on departure or arrival of the train.

For ad hoc requests relating to international transport, it is recommended for operation reasons to include 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 order 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.

4.2.2.1.2 Passenger transport

In accordance with the Rail Code (Article 31) 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.

4.2.2.1.3 International freight transport

In addition, when an international freight transport is carried out in a partnership between two or more railway undertakings, it is desirable that the applicant states in its capacity request in the *Book In* app the name of the railway undertaking(s) who will carry out the said transport on the neighbouring networks in order to facilitate train path harmonisation. This information shall be requested automatically in the PCS application. In the application *Book In* this information can be entered in the field "RU abroad" on the "Route information" tab of the capacity request.

Furthermore, when an international freight transport also involves a national service between two partner railway undertakings, it is desirable that the applicants state in their respective capacity requests the name of the transferor or transferee railway undertaking, depending on the case. This information shall be requested automatically in the PCS application. In the *Book In* application, this information can be entered in the "Other information" field 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 Netherlands-Belgium connection and vice versa. For all traffic that goes beyond 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 path as well as the arrival station.

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

In order to facilitate the processing of the capacity application and its harmonisation with DB Netze, it is also 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

4.2.2.1.4 Mandatory parameters

At the time of the capacity request, the applicant must specify all necessary characteristics (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.

4.2.2.1.5 Local capacities

The railway undertaking or, if applicable, the applicant that is not a railway undertaking indicates in its request, if applicable, to which service facility it wishes to have access. In the free field related to this service facility, it has the possibility, if it so wishes, to include 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 track(s) in the service facility, if any.

This must allow Infrabel, if possible, to evaluate in advance which track or tracks is/are required for parking or carrying out the operations (see point 4.9).

4.2.2.2 Allocation of train paths

The infrastructure manager allocates the train path requested if it is available. If not, he will propose – to the extent possible and if the information supplied to him is sufficient – an alternative route, based on the commercial requirements stated by the applicant. If this happens, the dossier is regarded as a single request and the applicant does not have to submit a new request for this purpose.

Holders of train paths must respect the allocated train path at all times. This means in particular respecting the allocated running times and ensuring the compatibility of the rolling stock with the characteristics of the route.

More information about the preparation and publication of the timetables can be found on the *Business Corner*.

Where necessary, Infrabel cooperates with the operators of service facilities to ensure that the allocation of infrastructure capacity and service facility capacity is consistent. Infrabel contacts the operators of service facilities annually to determine whether they wish to participate in the cooperation. In such cases, an exchange is planned between the publication of the draft service timetable and the deadline granted to Infrabel to respond to the observations and comments made by the candidates (see point 4.3.1). This cooperation does not imply any obligation for Infrabel to achieve a result. The applicants concerned may be involved in this cooperation at their request.

4.2.2.3 Modification of train paths by the applicant

For any change by the applicant to a train path already allocated, and especially any change in the train's composition and/or the route, making it impossible to respect the train path, a modification request for the train path must be submitted. This request will be treated as a new train path request, as described in point 4.2.2.1. This new request will - depending on the time of submission - be treated as a Late Path Request or Ad Hoc Request.

4.2.2.4 Suspension or withdrawal of train paths by the infrastructure manager

The infrastructure manager has the right to suspend or withdraw the allocated train path:

- in an emergency without prior notice and in the event of absolute necessity due to a failure which temporarily puts the railway infrastructure out of use, for as long as is necessary to restore the facilities (Article 44 of the Rail Code);
- in the event of a failure in accordance with point 4.8.1.

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.

4.2.2.5 Cancellation of train paths by the applicant

Any holder of train paths may relinquish the use of part or all of the capacities allocated. It exercises this right under the conditions laid down in 6.4.1.

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

The capacity that 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.

4.2.3 “Timetabling and capacity redesign” pilot projects

Since the timetable 2020, pilot projects are set up to test the processes of the Timetabling and Capacity Redesign (TTR) project (see point 1.10.3). The railway lines on the Belgian network to which the “Antwerp - Rotterdam” pilot project applies are the following:

Line	Route sections
L12	Y Mariaburg – Essen Grens
L12/1	Y Driehoekstraat – Y Sint-Mariaburg
L27A	Y Driehoekstraat – Y Schijn
L12	Y Luchtbal – Y Sint-Mariaburg
L25*	Antwerpen Centraal – Y Luchtbal
L4*	Y Luchtbal – Meer Grens

** excluded from the rolling planning.*

The pilot projects comprise two pillars: annual planning requests and rolling planning requests.

For the rolling planning, capacity is guaranteed (safeguarded capacity for rolling planning) and requests can be submitted at the earliest four months and at the latest one month before the first running day.

This is to allow sufficient time for the preparation of a high-quality offer. After these deadlines, the unused guaranteed capacity is added to the remaining capacity. Requests must comply with the characteristics of the published train path.

It remains possible to submit requests for annual planning. This is done according to the procedures described in points 4.2.2.1.1 and 4.3.1. of the network statement.

The PCS application must be used to apply for capacities in the context of the TTR pilot project.

More details on the capacity guaranteed for the rolling planning are available on <https://cms.rne.eu/ttr-communication-platform/rotterdam-antwerp-library>

More information about the TTR pilot projects and how to submit applications can be found on the website www.rne.eu/sales-timetabling/ttr/.

4.3 Schedule for capacity requests and allocation of train paths

The deadlines imposed with regard to the capacity allocation process are specified in Chapter 4 of Title 3 of the Rail Code. In accordance with the latter, the timetable enters into force at midnight on the second Saturday in December.

In order to carry over and supplement the legal requirements of the Rail Code, RailNetEurope draws up a precise schedule each year for each preparatory phase of the timetable.

4.3.1 Schedule for working timetable (New Path Requests)

For the production of the 2021 annual timetable, RNE determined the following target dates and periods:

Feasibility studies		
Deadline for filing of feasibility study requests	20 January 2020	Applicant
Deadline for replies to the feasibility study requests	16 March 2020	Infrabel
New Path Requests		
Finalisation of pre-arranged paths catalogues	13 January 2020	Infrabel and C-OSS
Submission of capacity requests (<i>New path requests</i>)*	From 15 December 2019 to 14 April 2020	Applicant
Establishment of the draft service timetable	From 15 April 2020 to 6 July 2020	Infrabel
Technical meeting	From 15 June 2020 to 18 June 2019	Infrabel and other IMs
Publication of the draft service timetable (draft offer)	6 July 2020**	Infrabel

New Path Requests		
Applicant observations and comments	From 7 July 2020 to 7 August 2020***	Applicant
Deadline for the provision of a final reply to the clients (final offer)	24 August 2020	Infrabel

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

**The maximum period foreseen in the Rail Codex is four months from the deadline for submission of applications.

***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 2021 service timetable	13 December 2020 at 00:01

The office with responsibility for handling this type of request is office I-CBE.332 (Annual Capacity Management). Requests submitted exceptionally via the documents mentioned in point 4.2.2.1 in the event of the unavailability of *Book In* or PCS should be sent to this office at the address given in point 1.8.1.

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 1.9).

4.3.2 Schedule for capacity requests outside the timetabling process (Late Path Requests and Ad-Hoc Requests)

4.3.2.1 Late Path Requests

Requests submitted within the deadlines (New Path Requests, see point 4.3.1) take priority over those submitted outside the deadlines (Late Path Requests and Ad Hoc Requests, see points 4.3.2.1 and 4.3.2.2), in other words 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 proposes different capacities for requests submitted outside the deadlines.

The table below shows the planning for Late Path Requests for the 2021 timetable:

Late Path Requests		
First day for the submission of late path requests	15 April 2020	Applicant
First day for replies to late path requests	25 August 2020	Infrabel
Last day for the submission of late path requests	19 October 2020	Applicant
Last day for replies to late path requests	16 November 2020	Infrabel

Late Path Requests are processed within the time limits laid down in Article 36 of the Rail Code.

The allocation of these train paths are 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 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 1.8.1.

4.3.2.2 Ad Hoc Request

Ad hoc path requests are requests submitted to the infrastructure manager after the last day for submission of Late Path Requests. For the 2021 timetable, RNE foresees the following date:

Ad-hoc path requests		
First day for ad hoc requests	20 October 2020	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 Rail Code.

4.3.2.2.1 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 publication dates 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 www.forumtraineurope.org and www.rne.eu.

The table below shows the dates set for the 2021 timetable:

	Publication date
1 st period	1 February 2021
2 nd period	5 April 2021
3 rd period	13 June 2021
4 th period	6 September 2021

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

The office I-CBE.332 (Annual Capacity Management) is responsible for handling this type of requests. Requests submitted exceptionally via the documents mentioned in point 4.2.2.1 should be sent to this office at the address given in point 1.8.1.

4.3.2.2.2 Short-term timetable requests and adaptations

The applicants may submit requests or apply for adaptations to the train service outside the dates scheduled for the intermediate modifications.

The general rule governing the deadline for receipt of short-term capacity requests is D-2 (working days) at 10 a.m. For capacity requests that respect this deadline, the bulletin “train service” will be published at the latest on D-1 (working day), at 12 noon, except in cases of force majeure, incidents with a major impact on rail traffic or strikes.

Capacity requests submitted after this deadline for receipt or which, due to an exceptional situation cannot be processed on time, will be processed in real time (see point 4.3.2.2.3 below).

The following exceptions apply to this general rule:

Type of request	Deadline for receipt of the request (working days)	Publication of the organisation bulletin (working days)
Exceptional transport with restriction	Up to 10:00 on D-6	Up to 12:00 on D-2
Ordinary transport or exceptional transport not subject to restrictions (requested speed ≤ 60 km/h) ¹	Up to 10:00 on D-4	Up to 12:00 on D-1

¹ Cf. Runs using historic trains.

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 bulletin contains the data relating to the timetables of trains and 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 empty runs concerned. The date of application of the bulletin is the date of the first train path concerned by the bulletin.

If the deadline for receipt is not met for the types of requests listed in the table above, timely publication of the organisation bulletin cannot be guaranteed and requests may be processed in real time. With the exception of ‘Extraordinary transport with restrictions’, where request submitted outside the deadline for receipt will be refused for operational and safety reasons.

The office I-CBE.322 (*Running Capacity Management*) is responsible for handling this type of requests. Requests submitted exceptionally via the documents mentioned in point 4.2.2.1 in the event of the unavailability of *Book In* or PCS should be sent to this office at the address given in point 1.8.1.

4.3.2.2.3 Real time timetable requests and adaptations

Applicants may request capacity outside the deadlines laid down for short-term requests (see point 4.3.2.2.2), apart from exceptional transports with restrictions.

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.16 office (Traffic Control) is responsible for processing this type of requests. Requests that are exceptionally submitted via the documents mentioned in point 4.2.2.1 in the event of the unavailability of *Book In* or PCS must be delivered to this office. Contact details are given in point 1.8.1.

4.4 Allocation process

4.4.1 Coordination process and management of competing requests

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

In addition, the infrastructure manager coordinates the competing requests for the allocation of train paths, with the exception of competing requests within the framework of the allocation of pre-arranged train paths and reserve capacity on the freight corridors dealt with by the C-OSS. These principles are explained below.

4.4.1.1 Competing requests in the context of the allocation of paths within the timetabling period (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 Rail Code.

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 within a reasonable period of time:

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

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.

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'.

In this case, the principles for train path allocation are described in detail in point 4.4.3.

4.4.1.2 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 for the same pre-arranged path or the same reserve capacity as described in the Framework for Capacity Allocation for freight corridors. This document can be consulted via the website of each corridor, specifically in *Book 4* of the *Corridor Information Document* (see point 1.9).

4.4.1.3 Competing requests in the context of the procedure for the allocation of paths 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 the procedure for the allocation of train paths outside the timetabling process and during the current timetable, the infrastructure manager, when handling requests, takes into account the filing date (principle of First In First Served - FIFO).

However, if these requests are more specific and require a longer handling time, this principle may be waived (for example: in case of a request for multiple trains and/or multiple running days, harmonisation is required at the border, connections have to be guaranteed, further agreements have to be reached with the applicant, ...).

4.4.2 Dispute resolution process

As mentioned in point 4.2.1.4, at the request of an applicant or of the infrastructure manager, the regulatory body takes a decision within ten working days on every dispute regarding the allocation of capacity (Art. 62 § 4,1° of the Rail Code). The procedure to be followed under the administrative regulation for disputes in relation to the allocation of capacity is described in the Royal Decree of 21 March 2007 (articles 2 to 5).

4.4.3 Congested infrastructure

If after coordination of competing capacity requests in the context of train path allocation during the timetabling process (see section 4.4.1) it proves impossible to respond favourably to all the requests, the infrastructure manager must declare, in accordance with Article 41 of the Rail Code, that the infrastructure section concerned is congested.

4.4.3.1 Allocation of train paths

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 train paths 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 the carriage of goods:
 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 the train path to the applicant whose train path request produces the higher total level of utilisation charges on the route envisaged on the Belgian railway infrastructure.

The list of lines by type are shown in appendix B.4. The definition of the types of line (as mentioned in article 2 of Royal Decree of 19 July 2019) appears in appendix A.1

4.4.3.2 Taking into account of the previous levels of utilisation of the train paths

For the purposes of the determination of the priorities in the framework of the allocation process, the infrastructure manager takes into account the previous levels of utilisation of the train paths and may, after consultation with the applicant, suspend or withdraw the right of use of the train path in the event of under-utilisation of said train path where the holder of the capacity has, in the course of the previous timetable, used the capacity on average less than 80% of the number of weekly movements scheduled.

This measure does not apply if the under-utilisation is due to reasons other than economic reasons beyond the control of the holder of the capacity.

4.4.4 Impact of framework agreements

Not applicable.

4.5 Allocation of capacity for maintenance, renewal and expansion

4.5.1 Mission of the infrastructure manager

Among the public tasks of the Belgian railway infrastructure manager are those relating to the maintenance, renewal, enhancement 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, in the context of capacity management, it takes all appropriate measures to ensure the proper functioning of the infrastructure.

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 used in the rest of this document..

4.5.2 Principles of temporary capacity restrictions

With a view to the international harmonisation of the processes for the coordination and publication of the TCR in Appendix VII to Directive 2012/34/EU, as provided for by the Commission's Delegated Decision 2017/2075, the TCR describes the way in which the TCR is coordinated and published as well as the way in which the applicants are involved in the process.

More specifically, Appendix VII provides for consultation and publication deadlines for the TCR, depending on the type of TCR, on the basis of its duration and its impact on daily traffic on a line.

In addition, Appendix VII also sets out the coordination deadlines for TCR coordination with the other infrastructure managers that could 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 of daily traffic on a line. The conditions have been included by Rail Net Europe (RNE) and explained 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: rne.eu/wp-content/uploads/2019-10-17_TCR_Guidelines_V3.00.pdf.

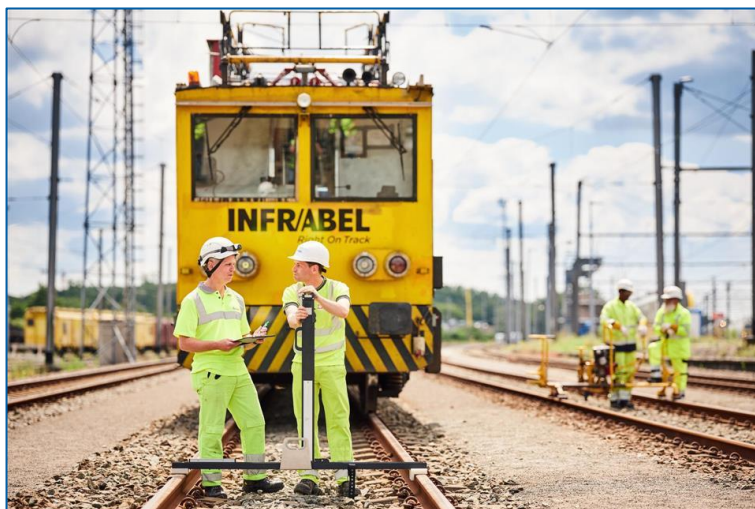
4.5.3 Publication of Temporary Capacity Restrictions

As mentioned in point 4.5.2, Appendix VII to Directive 2012/34/EU provides for the publication periods of the TCR according to their duration and their impact on rail traffic (= estimates of cancelled and diverted trains, as well as trains replaced by other means of transport).

The infrastructure manager publishes and updates the TCR list on the *Business Corner* according to the calendar presented during the specific meetings organised for the applicants (see point 4.5.4).

4.5.4 Consultation of applicants

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 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



worksites 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.

The contact details of the work coordination offices are given in point 1.8.1.

4.5.5 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.

The applicants receive a "adaptations train services" bulletin for those works that entail adjustments to the timetable.

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. The adjustment of the timetable, in other words the alternative, is developed in dialogue with the applicant.

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 1.8.1.

4.5.6 Possessions and TCR integrated in the timetable

The timetable includes, on the one hand, scheduled TCR in the event of a line or part of a line being completely closed for a long period of time or on a regular basis for certain days or time slots. On the other hand, possessions are also included in order to be able to carry out interventions that cannot be planned in the long term.

For those capacity requests that conflict with the above-mentioned TCR and possessions, an alternative will be worked out in consultation with the applicants involved (in the draft/final offer).

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.

The register of the above-mentioned TCR and possessions, relating to the timetable in this network statement, can be found on the *Business Corner*.

4.5.7 Urgent works

See point 4.8 for further details.

4.5.8 Cancellation of work sites

In the event of cancellation of these 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 adjustment" bulletin and have the seasonal schedule restored by another bulletin, if possible;
- or, to maintain the adjusted timetable agreed.

4.5.9 Impact of the works on assigned 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 infrastructure utilisation charge is owed for the originally assigned capacity, unless the traffic is completely cancelled. In case of partial cancellation of the traffic, the utilisation charge is due only for the part of the capacity that was actually used.

4.6 Non-usage/cancellation rules

The invoicing principles applicable in the event of non-use/cancellation of train paths are described in point 6.4.

4.7 Exceptional transports and dangerous goods

4.7.1 Exceptional transports

Any applicant indicates in its capacity request whether or not it plans to incorporate exceptional transports in its trains and, if so, stipulates the type of exceptional transport and in particular, the number of the provisional authorisation assigned by the infrastructure manager (see point 5.4.4 for more information on the  service) or the coding in the event of combined transport (see appendix C.2).

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 Special measures to be taken in the event of disturbance

4.8.1 Main 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 an 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.

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 use charge is due for the initial allocated capacity, except in case of cancellation of the traffic. In case of partially cancellation of the traffic, the use 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 6.4.1 of this document.

4.8.2 International Contingency Management

In the event of serious incidents with a significant international impact, international coordination of incident management is required. For international disruptions lasting longer than 3 days and which have a major impact on international rail traffic, international crisis management applies.

Freight corridors act as facilitators for 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 Book 4 of the *Corridor Information Document* (see point 1.9 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 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 Traffic Control. 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 Traffic Control 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

rne.eu/wp-content/uploads/International_Contingency_Management_Handbook_final_v1.5.pdf.

On the one hand, this manual describes the standards that allow traffic to be maintained at the highest possible capacity in spite of an international disruption. On the other hand, the manual ensures transparency on the status of the interference and its impact on traffic flows for all relevant stakeholders in Europe. It also defines disruption management and communication processes that complement national incident management procedures to allow better international cooperation between infrastructure managers and allocation bodies.

4.9 Request and allocation of local capacities

4.9.1 Description of process

4.9.1.1 Applying for local capacity

4.9.1.1.1 General principles

Infrabel offers the railway undertaking access to its yards and to most of the tracks and constituent equipment.

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 track:

- Tracks “reservable for a long period” (TLP)

Tracks “reservable for a long period” are allocated, as far as possible, to the railway undertaking for the first application period of the timetable. The allocation of these tracks is automatically extended for the next application periods of the timetable, unless another railway undertaking (in particular a new railway undertaking or an existing railway undertaking providing a new traffic service) also requests access to these tracks. In this case, the allocation of the track will be reviewed according to the principles set out mainly in point 4.9.2.

To reserve these tracks for the first application period of the timetable, the railway undertaking must submit its reservation requests to Infrabel no later than 31 August preceding the start of the timetable. To do so, it completes the form in appendix B.1.5 and sends it by e-mail to your.facilities@infrabel.be.

Reservation requests for this type of track from the second application period of the timetable must be submitted by e-mail to your.facilities@infrabel.be at the earliest as soon as the previous period of application closes and no later than 6 weeks before the start of the application period concerned.

The following dates apply to the 2021 timetable:

Deadline for submitting requests	Start of implementation period
31 August 2020	1 st period: 13 December 2020
21 December 2020	2 nd period: 1 February 2021
22 February 2021	3 rd period: 5 April 2021
2 May 2021	4 th period: 13 June 2021
26 July 2021	5 th period: 6 September 2021

Infrabel will acknowledge receipt of the application within three working days of the expiry of the deadline for submission. If the form has not been completed in full by the railway undertaking, Infrabel will ask it to do so within five working days. Otherwise, the request will be refused.

A procedure has been drawn up for the management of competing applications for this type of track (see point 4.9.2).

– Process tracks (PT)

Process tracks, which are accessible to the railway undertaking for a limited period of time, are not reservable. The maximum occupancy time for this type of track is given in appendix F.1.

Infrabel offers railway undertakings the opportunity to submit their comments on the list F.1, and in particular on the status granted to yard tracks, in collective or bilateral discussions between Infrabel and the railway undertakings. If possible, Infrabel will adjust the status of the tracks or the maximum duration of the occupancy of the “process tracks” and will inform the railway undertakings as soon as possible by e-mail and on its website.

4.9.1.1.2 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.

The RRU must use the form set out in appendix B.1.4 to submit a request for local capacity. Depending on the choice of the service facility where the equipment is parked and/or the operations are carried out, the RRU must submit the form to the Operational Planning office of the Area responsible for the management of the service facility in question. The list of addresses of Operational Planning offices can be obtained from Infrabel via your.facilities@infrabel.be.

To request local capacity in real time, the RRU should address itself directly to the signal box that manages the service facility in question.

4.9.1.2 Allocating local capacity

– Tracks “reservable for a long period”

Infrabel allocates the track that is “reservable for a long period” to the railway undertaking. If several railway undertakings request the same track, Infrabel applies a procedure for the management of competing requests. This is described in point 4.9.2.

Infrabel notifies the railway undertakings by e-mail of the tracks allocated to them, at the latest:

- on 15 October for tracks requested for the first application period of the timetable;
- from the second application period: two weeks before the start of the period.

The following dates apply to the 2021 timetable:

Deadline for submitting requests	Deadline for allocating tracks	Start of implementation period
31 August 2020	15 October 2020	1 st period: 13 December 2020
21 December 2020	18 January 2021	2 nd period: 1 February 2021
22 February 2021	22 March 2021	3 rd period: 5 April 2021
2 May 2021	30 May 2021	4 th period: 13 June 2021
26 July 2021	23 August 2021	5 th period: 6 September 2021

- Process tracks

The process tracks are assigned in real time by the signal box after prior processing, if possible, by the Operational Planning Offices. During this allocation, the needs identified in the *Book In* request (see point 4.2.2.1.5) of the railway undertaking or, where appropriate, the applicant non-railway undertaking are taken into account, if possible.

The details of the signal boxes can be found in the local agreements.

- General rules

The reservation of a track that is “reservable for a long period” does not give rise to any absolute obligation on the part of Infrabel to grant access to the track of that service facility or to allow shunting to and from that track. For operational or technical reasons, Infrabel may modify a local capacity reservation and allocate a similar alternative local capacity.

Infrabel also has the right to occupy the track when the service facility requires maintenance. In this case, it will also propose an alternative track to the railway undertaking.

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

4.9.1.3 Change of local capacity by the railway undertaking

Any request to modify a reservation of a track that is “reservable for a long period” will be granted in accordance with the provisions set out in point 4.9.1.1.1.

4.9.1.4 Suspension or change 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 that could lead to its being blocked;
- a track that is “reservable for a long period” is never used;
- a track must be made unavailable due to operational needs, in particular the maintenance of the service facility.

If Infrabel should notice the underutilisation of a track that is “reservable for a long period”, Infrabel 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.

4.9.1.5 Cancellation of local capacity

The railway undertaking may refrain from using the tracks that are “reservable for a long period” that have been allocated to it. In that case, it must notify Infrabel as soon as possible by email at the following address: your.facilities@infrabel.be. This cancellation does not entail any charge to the railway undertaking.

The renounced local capacity is considered to be available again.

4.9.2 Coordination procedure

As mentioned above, Infrabel applies a procedure for the management of competing requests for tracks that are “reservable for a long period” after the capacity utilisation requests required for operational purposes, in particular the maintenance of the service facility, have been allocated.

When processing competing applications-, i.e. when at least two railway undertakings wish to reserve the same track that is “reservable for a long period”, Infrabel applies a coordination procedure based on dialogue between Infrabel and the railway undertakings concerned, and possibly providers of additional and ancillary services if they are offered in the service facility in question, in order to meet all requests. If requested by one or more of the railway undertaking(s) concerned, Infrabel will convene a meeting of all parties, with the agreement of all parties concerned. During this procedure Infrabel also considers, if necessary, the possibility of taking operational measures to find a solution.

If this coordination procedure does not enable a solution to be found, Infrabel will send an alternative proposal by e-mail to the railway undertakings concerned, taking into account the capacities available in the desired service facility and the public service obligations. Where appropriate, proof of the public service obligation must be provided by the railway undertaking. Infrabel also takes into account the following elements mentioned in no order of priority:

- the needs expressed by the railway undertakings (e.g. length of track, presence of necessary facilities, ...) ;
- if available, the transport contracts obtained by the railway undertakings.

In any case, Infrabel ensures that capacity is distributed in a way that guarantees each railway undertaking a minimum capacity.

The railway undertakings must reject or confirm Infrabel’s alternative proposal within three working days of its being sent. In the absence of a reply, the alternative proposal is considered to have been accepted.

Infrabel makes as many alternative proposals as the available capacity allows. If at least two railway undertakings concerned refuse Infrabel’s alternative proposal(s), Infrabel will refuse the request, inform the railway undertakings and the regulatory body accordingly and the track in question will become a process track for the entire timetable concerned.

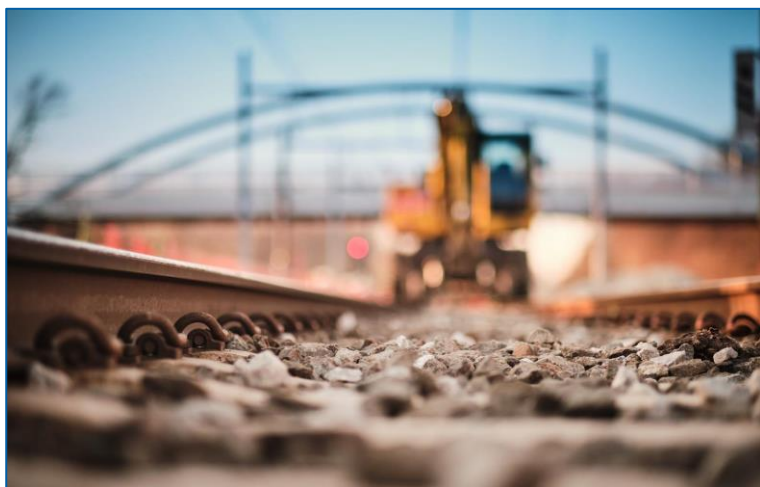
If Infrabel and the railway undertaking cannot agree on a viable alternative, the latter may submit a complaint to the regulatory body, which examines the matter and takes measures, if necessary, to ensure that an adequate part of the capacity is devolved to this applicant, in accordance with Article 9(5) of the Rail Code.

4.9.3 Allocation of local capacity for maintenance, renewal and expansion

4.9.3.1 General

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 work in this facility or a facility nearby, takes precedence over any other reservation.

4.9.3.2 Special provisions for track maintenance massification in service facilities



To be able to carry out the necessary checks on the service facilities and the associated maintenance work in a safe and efficient manner, Infrabel has autonomous access to each separate service facility at least four times a year, each time for an uninterrupted period of at least twelve hours, on working days, during working hours. Depending on the nature of the work, it may be necessary for part of the tracks in the service facility to be cleared for

Infrabel. This release will be limited to a maximum of half of the service facility. Wagons that may be parked in the other part of the service facility will not be accessible during the above-mentioned period. Infrabel will announce such works and the reason why it is necessary to clear the tracks at least ninety calendar days in advance.

In these circumstances, Infrabel is committed to organising and grouping the works optimally during these interruptions. This will greatly reduce the number of operations between two interventions with a significant impact on capacity, thereby improving the operational reliability of the service facility.

These provisions do not apply in the case of urgent interventions and track renewal works.

4.9.3.3 Notification to candidates of planned work in the service facilities

Communication of the works in the service facilities is subject to the same provisions as communication of the works on the lines (see points 4.5.4 and 4.5.5).

4.9.4 Measures due to non-use

The charge for access to service facilities is levied in accordance with the provisions set out in Point 6.4.1.

However, failure to use a process track or a track that is “reservable for a long period” does not entail any costs for the applicant.

4.9.5 Exceptional transport and movement of dangerous goods

4.9.5.1 Exceptional transport

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.

4.9.5.2 Movement of dangerous goods

The capacity request is processed in accordance with point 2.6.

4.9.6 Special measures in the event of a disruption

Where the occupancy of the track 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 affecting the occupancy of the track by rolling stock will not entitle to the capacity holder to any compensation from Infrabel. The user charge is due in respect of the capacity originally allocated, except in the event of the abolition of allocated local capacity. In the case of a partial abolition of allocated local capacity, the user charge is due only for the actual portion of the capacity used.

4.9.7 Other

4.9.7.1 Congested areas: definition, priority criteria and allocation procedure in those areas

In accordance with current legislation, the criteria set out in point 4.4.3 do not apply to local capacity.

4.9.7.2 Impact of framework agreements

These framework agreements do not apply when local capacity is being reserved.

5. Services

5.1 Introduction

5.1.1 Service categories

In accordance with article 9 of the Rail Code, 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 Rail Code 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.

- **Track access to service facilities** in accordance with Rail Code Appendix I, point 2 and **supply of services** in these facilities

Infrabel offers its services to applicants as necessary in a non-discriminatory and transparent manner.

The other operators of service facilities and/or service providers also provide access, including track access, to their facilities and to the services provided in these facilities to all railway undertakings and, if applicable, to the non-railway undertaking applicants in a non-discriminatory manner.

The requests can only be rejected if viable alternative railway solutions exist under acceptable economic conditions.

- **Additional services** in accordance with Rail Code 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 Rail Code 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.

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** : train paths (minimum services);
2.  **YourFacilities** : local capacity (access to and the provision of services in service facilities);
3.  **YourPower** : 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).

The different services that Infrabel offers are detailed under points 5.2 to 5.5 below. The infrastructure at the disposal of the railway undertakings and, if applicable, the non-railway undertaking applicants is detailed in Chapter 3.

The minimum services and access via the tracks to the service facilities (shunting, marshalling and parking yards), along with the services provided in those facilities (where these are offered by Infrabel), are included under the user charge. The other services mentioned in point 5.1.1 are subject to separate charges. The different charges are described in Chapter 6.



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 2.3.1.1 and 2.3.2), or on the other hand the local agreement (see point 2.3.1.2). 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 www.infrabel.be/en/industries):

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

5.1.3 Services provided by other operators of service facilities and/or service providers

The service facilities linked to Infrabel's network and operated by third parties are listed in appendix E.2 to this document.

5.2 Minimum access package


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

The minimum access package shall comprise:

- handling of requests for railway infrastructure capacity;
- the right to utilise the allocated capacity;
- 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;
- use of electrical supply equipment for traction current;
- all other information required to implement or operate the service for which capacity has been allocated.

5.3 Access to service facilities and supply of services in these facilities

The infrastructure manager grants access to the services facilities it operates through its public network ().

5.3.1 Access to service facilities

5.3.1.1 Passenger stations

Infrabel does not operate passenger stations.

On the other hand, according to appendix 23 of the Rail Code, 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 contains the list of the stations equipped with passenger platforms. The lengths of these platforms are also given in the list.

5.3.1.2 Freight terminals

Infrabel does not operate intermodal freight terminals.

5.3.1.3 Shunting and marshalling stations

Infrabel operates various yards for the formation and marshalling of trains, as well as for the parking of rolling stock.

The list of these yards can be found in appendix E.2 of this document. The technical equipment is listed in appendix F.1, and appendix D.7 shows the opening times of the yards.

Access to the yards requires the prior signature of a local agreement (see point 2.3.1.2).

To actually use the yards, the  service must be in use.

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

5.3.1.4 Storage sidings

See point 5.3.1.3

5.3.1.5 Maintenance facilities

Infrabel does not operate facilities for the maintenance of rolling stock.

5.3.1.6 Other technical facilities

Infrabel provides various technical facilities in its service facilities (in particular in its yards, see point 5.3.1.3). The list of these facilities and their location is given in appendix F.1.

5.3.1.7 Maritime and inland port facilities

Infrabel does not operate maritime or inland port facilities.

5.3.1.8 Relief facilities

Infrabel does not operate any relief facilities.

5.3.1.9 Refuelling facilities

In Genk, Infrabel is making a tank platform without fixed refuelling facilities available to railway undertakings.

5.3.2 Provision of services in the service facilities

5.3.2.1 Passenger stations

Not applicable.

5.3.2.2 Freight terminals

Not applicable.

5.3.2.3 Shunting and marshalling stations

Infrabel does not make any staff available for shunting and formation of trains nor for parking of rolling stock. On the other hand, Infrabel performs various operations from the signal cabins (managing tracks in the yards, applying track braking systems, etc.). More information regarding the operations performed by Infrabel from the signal cabins can be found in the first part of the local agreements (see point 2.3.1.2).

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

5.3.2.4 Storage sidings

See point 5.3.2.3.

5.3.2.5 Maintenance facilities

Not applicable.

5.3.2.6 Technical facilities

See point 5.3.2.3.

5.3.2.7 Maritime and inland port facilities

Not applicable.

5.3.2.8 Relief facilities

Not applicable.

5.3.2.9 Refuelling facilities

Infrabel does not supply fuel to refuel diesel vehicles.

5.4 Additional services

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 of the electricity directive 2009/72/EC into Belgian law, applicants are also free to choose their own energy supplier(see appendix F.5 for more information). 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 railway undertakings to assess the price in advance ;
- obtain the lowest possible price.

For the supply of electricity by Infrabel, a mandate is required according to the electricity legislation. Infrabel needs to know the expected volume to be delivered at the start of the purchasing process. This is why the applicants which 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.

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 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 (see point 6.3.4.2) 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).

5.4.3 Services for trains

In order to enable carriages to be preheated, pre-air-conditioned or maintained at a positive temperature during freezing weather, Infrabel provides fixed 3kV supply installations for carriages to the railway undertakings.

These fixed installations equipped with keys can be used only by railway undertaking personnel who have been trained. 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 3KV supply installations. Only personnel from Infrabel's Technical Services may handle the maintenance and repair of these installations.

The use of electricity to heat carriages is included in the  service.

5.4.4 Services for exceptional transports and dangerous goods

5.4.4.1 Services for exceptional transports

Any exceptional transport (for definition, see 2.5) 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 1.8.1) by means of sheet UIC 502 available from the site www.uic.org.

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

5.4.4.2 Special services in the event of incidents involving dangerous goods

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 materials, Traffic Control may call out a specialist team from these companies with appropriate equipment.

5.5 Ancillary services

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 various items of information to applicants, in particular via the *Business Corner*.

5.5.3 Technical inspection of rolling stock

Infrabel is tasked with the technical inspection of rolling stock used for journeys without the use of train paths on its railway infrastructure, 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 staff carrying out operations related to 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 1.8.1.

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.

Infrabel does not offer a rolling stock inspection service.

For this service applicants can contact the "entities in charge of maintenance of rail vehicles"(EMC)
(See appendix F.5)

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.

6. Charges

This chapter includes solely those charges applied by Infrabel. These charges are payable by the party using the service, i.e. the applicant, whether or not it is a railway undertaking.

For information about the applicable rates of other operators of service facilities linked to the Belgian railway infrastructure and service providers, applicants are requested to contact these operators and service providers, the facilities of which are listed in appendix E.2 to this document.

6.1 Charging principles

6.1.1 Charges

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 infrastructure charge are based on the following European legislation:

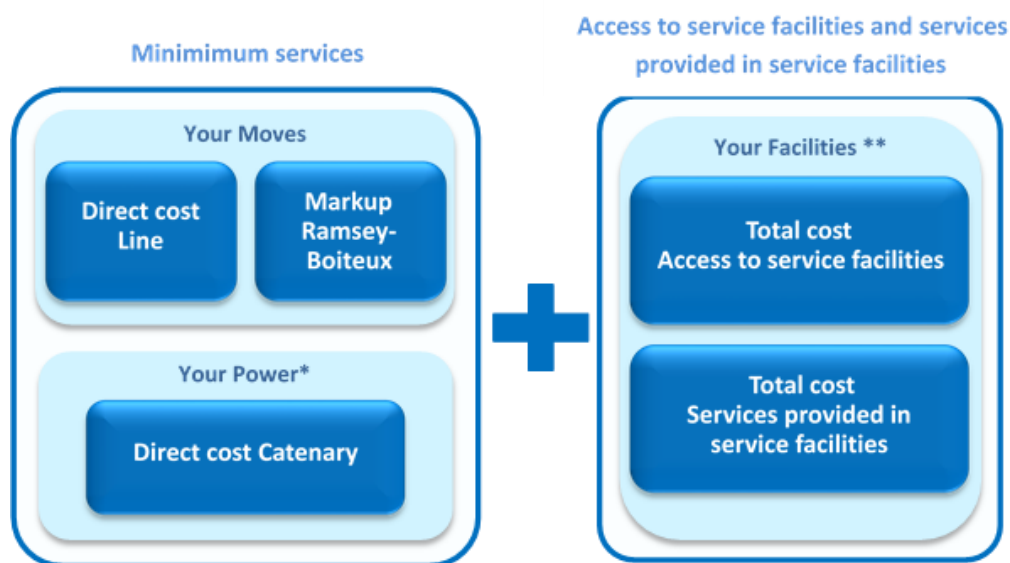
- Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 *establishing a single European railway area*;
- Commission Implementing Regulation (EU) 2015/909 of 12 June 2015 *on the modalities for the calculation of the cost that is directly incurred as a result of operating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

The legal framework for these charges under Belgian law is provided by the Rail 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 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.

6.2 Composition of the user charge

The charge for the use of railway infrastructure covers minimum services and access via the railway network to the service facilities, as well as the services provided in these facilities. It consists of the following components:



* The supply of traction current and the other transport and distribution costs are no minimum services, but are part of the *Your Power* service. They are considered as additional services (see point 6.3.4).

** The *Your Facilities* service is described in point 5.3 of this document. Only the access to the shunting, marshalling and parking tracks and their use are part of the user charge. The access and the use of the service facilities will be included in the *Your Facilities* service, but will not be a part of the user charge.

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 Rail 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.

The table below indicates the parameters by traffic type that may or may not be applicable. Details on the pricing of minimum services, access to service facilities and services provided in service facilities are described in points 6.3.1, 6.3.2 and 6.3.3 respectively.

LR - ER	Transport type	Parameters				
		Direct cost Line	Direct cost Catenary	Ramsey-Boiteux markup	Total cost Access to service facilities	Total cost Services provided in service facilities
LR	Passenger transport (HkvPso, HkvNPso, Hst)	X	X	X	X	X
	Freight transport (Hkm)	X	X		X	X
	Other trains (HkvOther/HkmOther)	X	X		X	X
	Tourist organisations (HkvTo/HkmTo)					
ER	Passenger transport (HkvPso, HkvNPsi, Hst)	X	X			X
	Freight transport (Hkm)	X	X			X
	Other trains (HkvOther/HkmOther)	X	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 tourism organisations, see point 6.3.1.3.1.

6.3 Pricing

6.3.1 Minimum services

The minimum services are described in point 5.2. They concern the service (train paths, see details chapter 4) and part of the service (traction current).

The Rail Code 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, in order to recover full costs, levy mark-ups on the basis of efficient, transparent and non-discriminatory principles, while ensuring optimal competition between railway market segments.

Infrabel has identified six market segments, namely:

- passenger services subject to a public service obligation (HkvPso);
- commercial passenger transport services (HkvNPso);
- goods transport services (Hkm);
- services for commercially operated high-speed passenger transport (Hst);
- 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.

6.3.1.1 Your Moves

6.3.1.1.1 Direct line cost

The direct line costs refer to ‘costs directly attributable to the operation of the rail service’, i.e. costs directly attributable to rail traffic. They cover 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 (see point 6.3.1.3.1). This charge does neither apply to out-of-service infrastructure testing (see point 6.3.1.2).

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_i*: 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.

6.3.1.1.2 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 segment;
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;
- hyper-peak: if the train¹ is on one of the access or exit characteristic points (PTCARs) of a line section of the North-South link² on weekdays between 8.00 a.m. and 8.59 a.m. inclusive or between 4.00 p.m. and 4.59 p.m. inclusive, before or after crossing one of the six lines of the North-South link³. In order to determine the hyper-peak period, the following characteristics per segment apply:
 - For the segment HkvOsp, in case a line section is in a hyper-peak period, all line sections of the journey between 6 a.m. and 8.59 a.m. inclusive or between 3 p.m. and 6.59 p.m. inclusive are considered as hyper-peak;
 - For the HkvNOsp and Hst segments, the hyper-peak rate applies only to the section of the journey between the access or exit characteristic points of the North-South link.

The weekend period runs from 12 a.m. on Saturday to 11.59 p.m. on Sunday inclusive.

¹ Regardless of whether this concerns the departure or arrival time of the PTCAR concerned.

² I.e. the PTCAR *Bruxelles-Midi*, *Bruxelles-Midi-Gril JNM* or *Bruxelles-Nord*.

³ Specifically lines 0/1, 0/2, 0/3, 0/4, 0/5 and 0/6

- 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 ‘i’ traversed by the train, expressed in km.

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

6.3.1.2 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 current.

This charge applies to all market segments with the exception of tourism organisations (see point 6.3.1.3.1). This charge does not apply either to testing on infrastructure outside commercial service (see point 6.3.1.3.2).

The calculation is made with the following formula:

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

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 catenary cost 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).

6.3.1.3 Specific cases

6.3.1.3.1 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 unit cost of the tourist trains, expressed in €/effective train-km;
- l_i : the length of the line section 'i' traversed by the train, expressed in km.

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

6.3.1.3.2 Testing on out-of-service infrastructure

The test runs on an out-of-service infrastructure in accordance with articles 8, 179/6 and 179/12 of the Rail Code (see point 4.9.1.1.2), correspond, in accordance with Article 8 of the Rail Code, 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 out-of-service infrastructure and the traction energy used.

The unit price is shown in appendix F.2.

6.3.2 Access to service facilities

Access to service facilities is described in point 5.3. This covers the service . The pricing of these services may not exceed the costs of this service, plus a reasonable profit, in accordance with Article 51 of the Rail Code.

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

Access to the facilities gives rise to a charge calculated as follows:

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


Where:

- $tc_{facility}$: the total unit cost for a stop in a billable facility "n", expressed in €.

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

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

6.3.3 Services provided in service facilities

These services, if offered by Infrabel, are part of the service .

6.3.4 Additional services

6.3.4.1 Supply of traction current

The cost of supplying traction current includes:

- the energy cost;
- the costs related to the green certificates;
- 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.

6.3.4.2 Other transport and distribution services for traction current supply

The other transport and distribution services for traction current supply (see point 5.4.2) 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.

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

6.3.4.3 Services for trains: preheating of passenger trains etc.

The use of the current for preheating carriages is included in the transport and distribution of traction current.

6.3.4.4 Services for exceptional transports and services for dangerous goods

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.

The costs of an intervention during an incident involving the transport of dangerous goods are immediately sent to Infrabel. It is responsible for passing on the costs to the responsible railway undertaking(s). This service is invoiced at actual cost.

6.3.5 Ancillary services

6.3.5.1 Access to the telecommunications network

Not applicable.

6.3.5.2 Providing additional information

The pricing of Infrabel's provision of additional information is included, where appropriate, in the track access agreement, the capacity agreement or any other agreement.

6.3.5.3 Technical inspection of rolling stock

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.

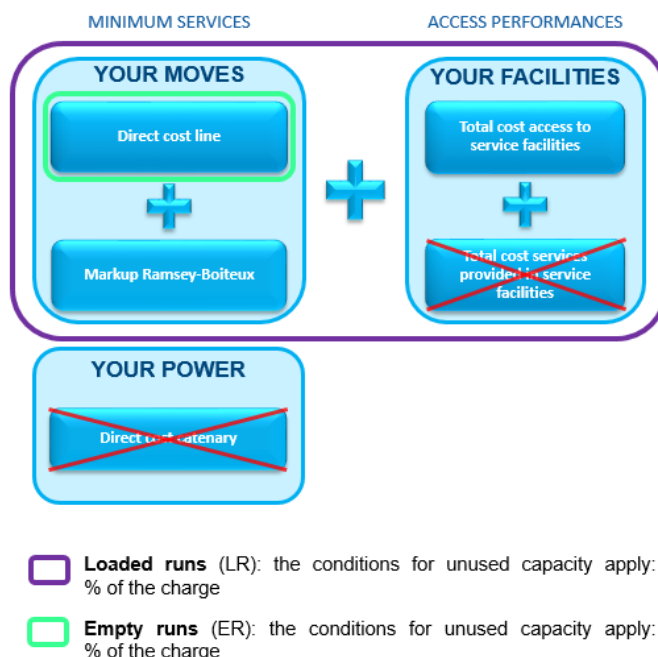
6.4 Financial penalties and incentives

6.4.1 Penalties for unused/cancelled capacity

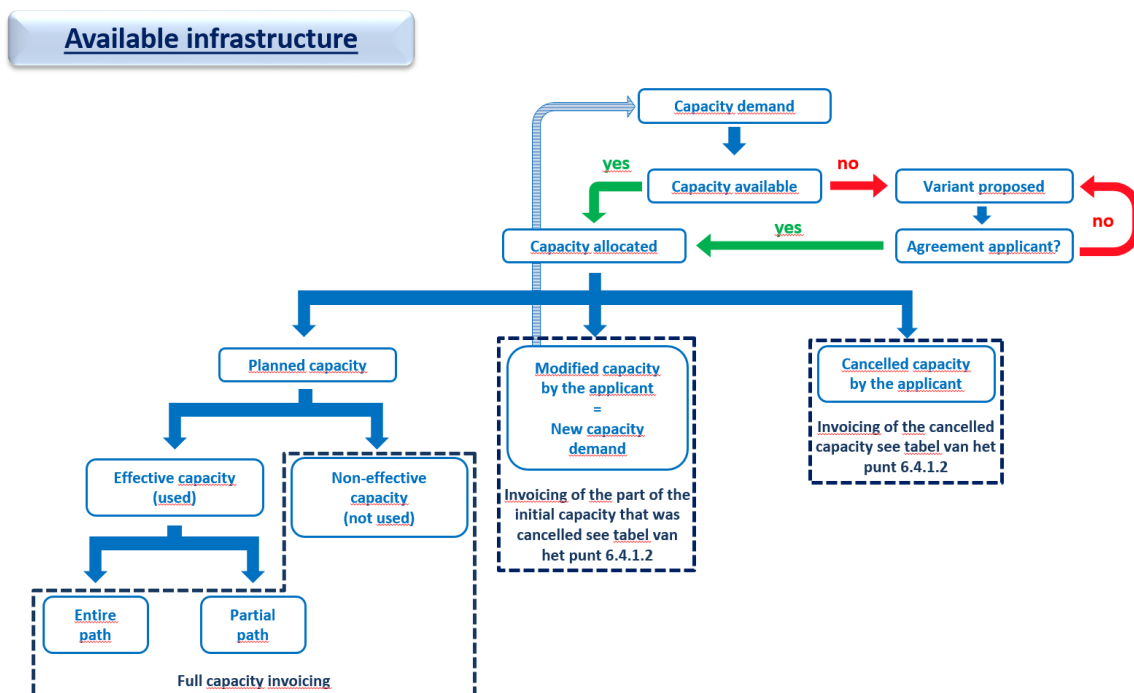
In the event of full capacity utilisation, the charge for use will be due in accordance with the principles set out above. Nevertheless, Article 54 of the Rail Code provides for the possibility for the infrastructure manager to levy an appropriate charge for the use of the infrastructure for capacity that is allocated but not used. Infrabel applies this possibility for services **// YourMoves** and **// YourFacilities** testing on out-of-service infrastructure.

6.4.1.1. Not used/cancelled capacity: principles

The various components of the infrastructure use charge may be invoiced in full or in part in the event of non-use of the allocated capacity, according to the following principles:



In addition to these principles, two cases can be distinguished: the available infrastructure and the unavailable infrastructure.

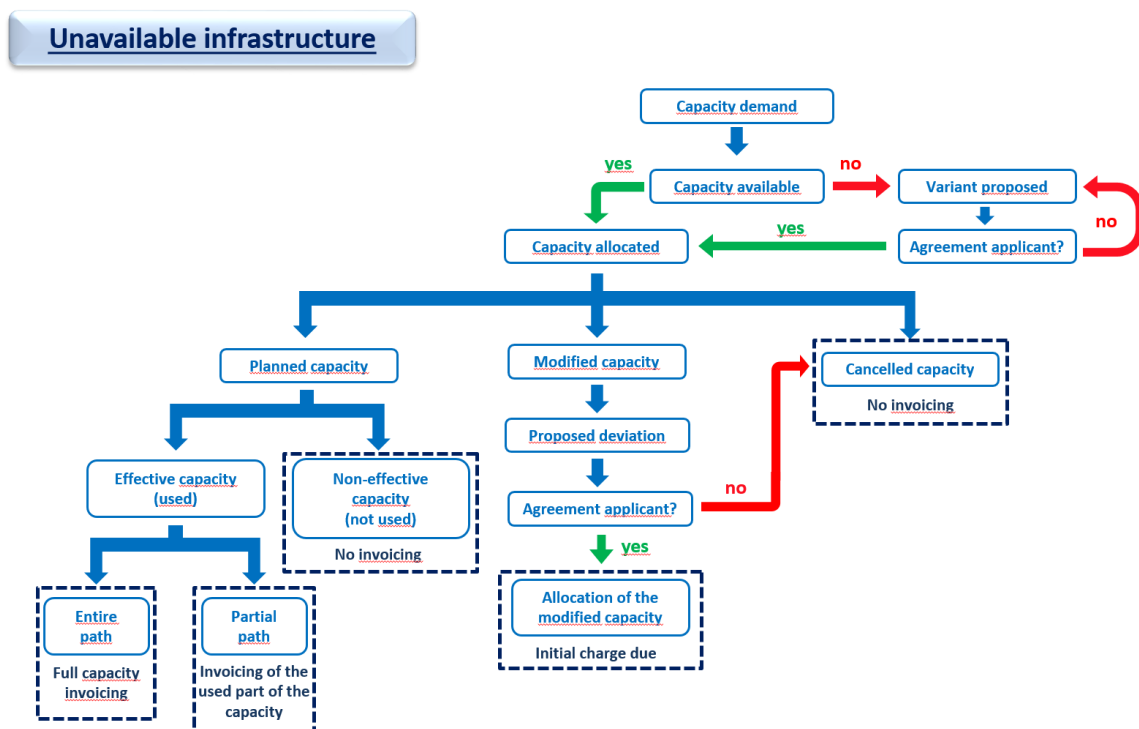


- Available infrastructure: part of the Belgian railway network on which railway undertakings can deploy rolling stock.
 - Used capacity

If the capacity is only partially used, the charge is due for the part actually used and for the part not used, as the non-utilisation is not due to the unavailability of the infrastructure. If the capacity is not used at all for reasons specific to the applicant but has not been cancelled, the charge is due in full.
 - Changed capacity

Any application to modify a pending application or a capacity already allocated constitutes a new application. The parts of the original capacity that have been cancelled are subject to a charge equal to a percentage proportionate to the time of the cancellation of the capacity (see point 6.4.1.2). The full charge is due for the unchanged parts of the original capacity.
 - Cancelled capacity

Any holder of infrastructure 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 of receipt by the infrastructure manager. In this case, the charge is due in proportion to the percentage that depends on the time of cancellation (see point 6.4.1.2).



- Unavailable infrastructure: part of the Belgian railway network that is temporarily out of service and on which no rolling stock is authorised (not applicable in case of works - see conditions in point 4.5)

- Used capacity

If the capacity is only partially used for reasons beyond the control of the applicant, the charge is only due in respect of the part of the capacity actually used. If the capacity could not be used at all for reasons beyond the control of the applicant, the charge is not due for the capacity in question.

- Changed capacity

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 capacity requested.

In this case, the charge payable is the amount corresponding to the route originally planned, irrespective of whether the route actually taken is more expensive or less expensive than the original route.

- Cancelled capacity

The infrastructure manager has the right to suspend or withdraw the allocated capacity, in case of urgency or absolute necessity due to faults that render the railway infrastructure temporarily unusable, for the duration necessary to restore the facilities (Article 44 of the Rail Code). In that case, the charge is not due.

If, for reasons beyond its control, the applicant has to cancel its capacity, the charge is not due, provided the infrastructure on the Belgian rail network is unavailable.

6.4.1.2. Unused /cancelled capacity: cancellation terms and penalties

In case of cancellation or non-use of capacity without cancellation, the amount to be paid for the unused capacity (see diagram in point 6.4.1.1) is calculated as follows:

Cancellation term*	Percentage of the charge to be invoiced
Non-use without cancellation or 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.

There are no cancellation charges for tourism trains.

6.4.2 Reduction fee for framework agreements

Not applicable.

6.4.3 ERTMS discounts

Infrabel does not grant any discount for equipping rolling stock with ERTMS.

6.5 Performance scheme

6.5.1 General principles and objectives

Article 23 of the Rail Code 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).

6.5.2 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.

6.5.3 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.

6.5.4 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 Rail Code (see point 1.4.3.2 of this document).

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

6.6 Changes to the user charge

In accordance with the Royal Decree of 19 July 2019 *on the allocation of railway infrastructure capacity and the fee for the use of 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. These changes will therefore apply only from the timetable following that in 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 Rail Code;
- are published at least three months before they enter into force.

In accordance with the abovementioned Royal Decree, the railway infrastructure manager must also review the method of calculating the fee for the use of the railway infrastructure at least every five years.

6.7 Billing arrangements

6.7.1 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 the contract for the use of the infrastructure, on the basis of Article 9(2) of the Royal Decree of 19 July 2019 *concerning the allocation of railway infrastructure capacities and the fee for the use of the railway infrastructure*. This advance payment is not applicable to the capacity requests referred to in 4.3.2 and 4.9.3. 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 capacity granted. The advance payments are stated in the special conditions of the track access agreement (appendix B.2) or capacity agreement (appendix B.3).

6.7.2 Invoicing

At the end of each month, Infrabel calculates the total charges 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.

Applicants can consult the information about the train paths charged to them with the *Rob In* application on the *Business Corner*.

Questions or comments regarding the invoicing of the utilisation charge may be sent to the address in point 1.8.1.

The method of invoicing for other charges is defined, where appropriate, in the track access agreement (appendix B.2) or capacity agreement (appendix B.3).

6.8 Guarantee

No guarantee is required when capacity requests are made.

6.9 Diabolo - passenger fee - contribution of railway undertakings

6.9.1 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§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 12§4 of the Law of 30th April 2007. The Royal Decree dated 29 January 2014 *defining the initial amount of the Diabolo passenger fee*, in force since 1 February 2014, stipulates that the amount of the passenger fee specified in Article 12 of the Law is set at EUR 5.00 (2013 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.

6.9.2 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

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