

## SCHEDULE 2

### ACCESS CHARGING

#### **Performance Schemes**

7.—(1) The basic principles referred to in regulation 16(3) are as follows:

(2) In order to achieve an agreed level of performance and not to endanger the economic viability of a service, the infrastructure manager must agree with applicants the main parameters of the performance scheme, in particular the value of delays, the thresholds for payments due under the performance scheme relative both to individual train runs and to all train runs of a railway undertaking in a given period of time.

(3) The infrastructure manager must communicate to the railway undertakings the working timetable, on the basis of which delays will be calculated, at least five days before the train run. The infrastructure manager may apply a shorter notice period in case of force majeure or late alterations of the working timetable.

(4) All delays must be attributable to one of the following delay classes and sub-classes—

(a) operation/planning management attributable to the infrastructure manager—

- (i) timetable compilation,
- (ii) formation of train,
- (iii) mistakes in operations procedure,
- (iv) wrong application of priority rules,
- (v) staff,
- (vi) other causes;

(b) infrastructure installations attributable to the infrastructure manager—

- (i) signalling installations,
- (ii) signalling installations at level crossings,
- (iii) telecommunications installations,
- (iv) power supply equipment,
- (v) track,
- (vi) structures,
- (vii) staff,
- (viii) other causes;

(c) civil engineering causes attributable to the infrastructure manager—

- (i) planned construction work,
- (ii) irregularities in execution of construction work,
- (iii) speed restriction due to defective track,
- (iv) other causes;

(d) causes attributable to other infrastructure managers—

- (i) caused by previous infrastructure manager,
- (ii) caused by next infrastructure manager,

(e) commercial causes attributable to the railway undertaking,

- (i) exceeding the stop time,

**Status:** This is the original version (as it was originally made).

- (ii) request of the railway undertaking,
  - (iii) loading operations,
  - (iv) loading irregularities,
  - (v) commercial preparation of train,
  - (vi) staff,
  - (vii) other causes;
- (f) rolling stock attributable to the railway undertaking—
- (i) roster planning/re-rostering,
  - (ii) formation of train by railway undertaking,
  - (iii) problems affecting coaches (passenger transport),
  - (iv) problems affecting wagons (freight transport),
  - (v) problems affecting cars, locomotives and rail cars,
  - (vi) staff,
  - (vii) other causes;
- (g) causes attributable to other railway undertakings—
- (i) caused by next railway undertaking,
  - (ii) caused by previous railway undertaking;
- (h) external causes attributable to neither infrastructure manager nor railway undertaking—
- (i) strike,
  - (ii) administrative formalities,
  - (iii) outside influence,
  - (iv) effects of weather and natural causes,
  - (v) delay due to external reasons on the next network,
  - (vi) other causes; and
- (i) secondary causes attributable to neither infrastructure manager nor railway undertaking—
- (i) dangerous incidents, accidents and hazards,
  - (ii) track occupation caused by the lateness of the same train,
  - (iii) track occupation caused by the lateness of another train,
  - (iv) turn-around,
  - (v) connection,
  - (vi) further investigation needed.
- (5) Wherever possible, delays must be attributed to a single organisation, considering both the responsibility for causing the disruption and the ability to re-establish normal traffic conditions.
- (6) The calculation of payments must take into account the average delay of train services of similar punctuality requirements.