



**Addendum no. dated . .2020
to the Contract no./2019**
concerning the access on the rail infrastructure,
concluded between CFR and

The Parties:

Compania Națională de Căi Ferate „C.F.R.”-S.A., with its registered office in Bucharest, 38 Dinicu Golescu Blvd., district 1, mail code 010873, registered to the Bucharest Trade Registry under no. J/40/9774/1998, single registration code RO 11054529, duly represented by Mr., Director General, in its capacity as the railway infrastructure manager in accordance with the Government Decision no. 581/1998, hereinafter called **CFR**,

and

....., with its registered office in, mail code....., with registration number.....and single registration code, duly represented by Mr., Director General, in its capacity as a railway undertaking, hereinafter called by this contract **RU**,

taking into consideration the provisions of articles 3.2 and 37 from the Access Contract no./2019 hereinafter called the Contract, by mutual agreement establish:

Art. 1. The period of validity of the Contract provided for in Article 3.1 shall be extended until 31 May 2021.

Art. 2. Article 4 from the Access Contract no..../2019, shall be amended and shall have the following content:

Art. 4 Tariffs and Charges

4.1. *The level of the public railway infrastructure access charge (IAC) for the validity period of the Contract, shall be that which is calculated with the help of the methodology in force for charging the use of the public railway infrastructure and of the list with the classification of traffic sections by line categories for the calculation of IAC, in force. The obtained value shall not include VAT.*

4.2. *The value of the basic charging elements shall be presented in the CFR Network Statement, according to the legal provisions in force and in Annex 17 to this Contract.*

4.3. *The IAC calculation modality shall be updated in accordance with the potential binding legal provisions to apply after the conclusion of this Contract.*

4.4. (1) *The tariffs and charges for the services from Annexes 4, 5, 6 and 9 of this Contract are set by CFR, in accordance with the legal provisions in force and are presented in Annex no. 18. These tariffs and charges are valid from the date of concluding this Contract until the eventual amendment/updating under the provisions of paragraph (2).*

(2) *The tariffs may be amended/updated by CFR in accordance with the legal provisions in force, only in duly justified situations, except for the tariffs for the transport of CFR cranes and intervention trains, the tariff for the use of intervention trains and the tariff for storage on CFR ground, which will be indexed to the inflation index whenever it exceeds 3% compared to the last indexation. These tariffs will enter into force after the publication in the CFR Network Statement and after the prior notification of the RU at least 60 days before their effective implementation. Upon the entry into force of the amended/updated tariffs, the tariffs mentioned in Annex no. 18 shall cease to apply."*

Art. 3. The Access Contract no. / 2019 is completed with Annexes no. 17 and no. 18, annexed to this Addendum.

Art. 4. This Addendum will take effect starting from 13 December 2020.

Art. 5. The other clauses of the contract remain unchanged.

The Addendum was concluded in Bucharest, today, in two copies, each of them being considered original and having the same legal effect, one copy for CFR and one copy for the RU.

On behalf of
Compania Națională de Căi Ferate „CFR” SA

On behalf of
.....

Director General

.....

Director General

.....

Basic tariff elements for IAC

Freight traffic

Name of tariff element	Basic tariff elements			
Tariff elements according to the train tonnage	Tariff on train kilometre according to the tonnage (lei/train-km)			
Class of the line	A	B	C	D
Traffic lines	4,65	4,35	4,23	4,00
Minimum tonnage	60	60	60	60
Tonnage factor	0,00025	0,00025	0,00025	0,00025
Tariff elements depending on the distance travelled	Tariff on train kilometre according to the distance (lei/train-km)			
Class of the line	A	B	C	D
Traffic	8,49	8,22	8,03	7,59
Electrification	1.11	1.11	1.11	1.11

Passenger traffic

Name of tariff element	Basic tariff elements			
Tariff elements according to the train tonnage	Tariff on train kilometre according to the tonnage (lei/train-km)			
Class of the line	A	B	C	D
Traffic lines	4,70	4,39	4,25	4,00
Minimum tonnage	60	60	60	60
Tonnage factor	0,00014	0,00014	0,00014	0,00014
Tariff elements depending on the distance travelled	Tariff on train kilometre according to the distance (lei/train-km)			
Class of the line	A	B	C	D
Traffic	4,54	4,34	4,29	4,18
Electrification	1.11	1.11	1.11	1.11

The tariffs for the services provided by CFR to RU

1. THE TARIFFS FOR THE SERVICES PROVIDED WITHIN SERVICE INFRASTRUCTURES

1.1 The tariff for commercial stops of passenger trains in stations and movement halts

$$\mathbf{T = 1.51 \text{ LEI/stop}}$$

The tariff for commercial stops of passenger trains in stations and movement halts includes costs related to:

- a) electricity,
- b) display panels,
- c) sound system.

1.2 The tariff for renting spaces for ticket offices/information offices/ticket issuance machines

The tariffs for renting spaces for ticket offices/information offices/ticket issuance machines have been indexed with the inflation index of 1.037 for the period January 2019 - December 2019, and their value on the date hereof is, as follows:

- a) ticket issuance services, **T_a = 21.75 lei/sqm/month;**
- b) information services-information offices, **T_b = 21.75 lei/sqm/month;**
- c) ticket issuance services through vending machines, **T_c = 124.28 lei/sqm/month**

***NOTE:** With the railway operators (ROs) for renting locations for ticketing services, information services (information offices) and ticketing issuance services through vending machines; their related tariffs will be indexed at the beginning of each year with the inflation index for the period January-December of the previous year, regardless of the date on which the lease contract was concluded, this becoming a clause in all contracts to be concluded with the object of leasing with the destinations mentioned above.*

1.3 The tariff for access of the shunting convoys to/from the CFR railway infrastructure

$$\mathbf{T = 6.09 \text{ LEI/convoy km.}}$$

The tariff is applied for the distance from the line where the convoy is dispatched, to the connection switch (branch) to the CFR railway infrastructure, regardless of the number of vehicles in the convoy. Vehicles mean wagons and/or motor rolling stock.

1.4 Shunting tariff for railway vehicles

$$\mathbf{T = 12.96 \text{ lei/shunting operation.}}$$

Shunting operation means the set of shunting performed by an RO, for a specific purpose (for example: shunting to insert/remove the locomotive on/from the train, shunting to eject a defective wagon from the train, shunting of group of wagons addition, etc.), regardless of the number of vehicles in the shunting convoys within the shunting operation.

Vehicles mean wagons and/or traction rolling stock.

1.5 Tariff of operating stabling for rolling stock

Includes:

- tariff for wagon stabling
T = 0.58 lei/wagon hour;
- tariff for motor RS stabling
T = 0.97 lei/ motor RS hour

The tariff is applied after the expiration of a free stabling period of 6 hours.
By wagon it means a physical wagon, regardless of the number of axles.
MR means motor rolling stock (locomotives, motorised trains, frames, etc.).

1.6 Long-term stabling tariff for rolling stock

T = 2.00 lei/wagon day.

The tariff is applied for wagons with a stabling of more than 30 days, following the acceptance of CFR SA, after analysing the RU request.

By wagon is meant a physical wagon, regardless of the number of axles.

1.7 Standstill tariff for loading/unloading wagons

T = 0,46 lei/wagon hour.

The tariff applies for standstill at loading/unloading lines or at the public lines for loading/unloading, after the expiration of a free-standing period of 24 hours.

Loading/unloading lines are lines intended for this purpose, which are in principle equipped with ramps and/or warehouses.

Public lines are lines made available to beneficiaries for loading/unloading operations and which are not necessarily equipped with ramps.

By wagon is meant a physical wagon, regardless of the number of axles.

1.8 The tariffs for the transport of CFR cranes and intervention trains in order to restore traffic

Value of the tariffs (lei):

For truck cranes	4.06
For rail cranes type EDK of 20 tf	4.87
For rail cranes type EDK of 60 tf	12.97
For rail cranes type EDK of 80 tf	16.21
For intervention trains with crane and for specialized intervention trains	28.37

NOTE:

1. This tariff shall apply only to the transport of cranes and intervention trains and shall not include the tariff for hauling services to/from the intervention site and shunting services at the intervention site which shall be charged separately by the company or railway operator performing these services.
2. The tariff does not include labour and fuel expenses that are invoiced separately by the company that serves the crane or the intervention train.
3. The 20 tf crane from the composition of the specialized intervention train is not diverted separately for carrying out works or interventions.

1.9 Tariff for the use of intervention trains to restore traffic

Value of the tariffs (lei/hour):

a) Provisioning tariff

Train with crane of 20 tf	372.78
Train with crane of 80 tf	372.78
Train with crane of 125 tf	372.78
Train with crane of 250 tf	749.62
Specialized intervention train	372.78
Specialized intervention train when only a crane of 20 tf of its composition is used for the work	372.78
b) Usage tariff	
Train with crane of 20 tf	534.78
Train with crane of 80 tf	668.59
Train with crane of 125 tf	802.29
Train with crane of 250 tf	1,604.58
Specialized intervention train	802.29
Specialized intervention train when only a crane of 20 tf of its composition is used for the work	534.87

NOTE:

1. For the situations where, at the work or intervention, two cranes arriving in the composition of the same intervention train are used, the provisioning tariff shall be calculated according to the crane with the higher load.
2. The usage tariff is calculated for each crane, depending on the time of usage.
3. For the railway cranes, other than those in the composition of intervention trains, it is charged 50% of the above tariffs.
4. The provisioning tariff shall be calculated for every 24 hours, even commenced, in which the intervention train or the crane were at the place of the work, at the disposal of the beneficiary of the work.
5. The pricing is done by adding to the provisioning tariff, the usage tariff, depending on the duration of usage. To this there are added the tariffs under heading 17 and the labor and fuel expenses.
6. The usage tariff shall be charged for the actual time during which the cranes, the intervention trains with crane or specialized intervention trains were at the disposal of the beneficiaries, including the time required for their commissioning and decommissioning.
7. In the case of the use of cranes, intervention trains with crane or specialized intervention trains in the running line, the usage tariff shall be charged from the time of departure and until the time of return to the home station serving the point on the running line in which train or machine operations are executed.
8. The applications shall be addressed to:
 - for truck cranes – to the station where the loading or unloading takes place.
 - for the intervention trains specialized or with crane, to the management of the National Railway Company “CFR” S.A., through the General Inspectorate of Railway Traffic Safety, after obtaining the approvals from the Regional Inspectorate of Railway Traffic Safety, corresponding to the place of work.
9. The applications must be submitted at least 5 working days before the day in which the work is carried out (or started).

2. TARIFFS FOR ADDITIONAL SERVICES PERFORMED BY CFR, AT THE REQUEST OF THE RU

2.1 Tariff for exceptional transports

$$T = 356.13 \text{ lei/transport}$$

The tariff shall apply to all railway vehicles which are the subject of an exceptional transport on the railway infrastructure, for the analysis of the characteristics and the establishment of the access and traffic conditions.

2.2 Tariff for checking railway vehicles with exceptional transports

$$T = 23,74 \text{ lei/railway vehicle}$$

The tariff applies for each railway vehicle that is part of an exceptional transport. By railway vehicle is meant, as the case may be: wagon, group of wagons, traction rolling stock.

3. TARIFFS FOR THE AUXILIARY SERVICES PERFORMED BY CFR

3.1 Tariffs for additional information on train traffic and scheduling

The tariffs for additional information regarding the scheduling and traffic of trains offered by CFR through IT applications (IRIS) managed by its specialized subsidiary SC "Informatica Feroviară" SA are established in specific agreements and/or are presented in SC "Informatica Feroviară" SA own publications.

3.2 The tariff (commission) for the service of issuing travel cards

The tariff (commission) for the service of issuing travel cards is 5% of the total value of travel cards issued.

4. OTHER TARIFFS

4.1 Tariff for storage on CFR S.A. lands.

$$T = 1,23 \text{ LEI/hour and tonne even commenced}$$

4.2 Basic tariffs for establishing paths

Passengers trains		Freight trains	
Rank II	84%*IAC passengers	Rank V	49%* IAC freight
Rank III	78%*IAC passengers	Rank VI	45%* IAC freight
Rank IV	73%*IAC passengers	Rank VII	42%* IAC freight

NOTE:

- a. For interoperable and non-leased non-interoperable railway infrastructure managed by CFR:
- a.1. the tariffs shall apply to the railway undertakings for the preparation of paths allocated to specially ordered trains and trains with occasional traffic,
 - a.2. the tariffs do not apply to:
 - establishing paths due to reasons imputable CFR (e.g., works to the infrastructure);
 - modification of the schedule of a path already prepared and allocated.

- b. For non-interoperable railway infrastructure leased by CFR to the managers of the non-interoperable railway infrastructure:*
- b.1. the tariffs will be applied to the managers of non-interoperable infrastructure for the elaboration of the paths allocated to RU operating on the respective infrastructures;*
 - b.2. the tariffs do not apply for the modification of the schedule of a path already prepared and allocated.*
- c. The reference value of IAC (for freight or passenger traffic) is the statistical average value registered by CFR for the second month before the one in which the service is performed, expressed in lei/train km.*
- d. The amount for a path is calculated by multiplying the basic tariff by the distance in kilometres of the path.*

4.3 Tariff for carrying out experiments to increase the tonnages to be hauled or to change the hauling method

NOTE: It will be established on the basis of an estimate (for each experiment,) for each person/hour, at the value of the personnel right effectively used and the obligations related to them, to which there are added the costs of the related activities.

4.4 Tariff for the interruption of the suspension of the traffic activity

NOTE: It will be established on the basis of an estimate. The tariff applies to the service provided by CFR on the resumption of traffic activity during the temporary suspension of service in the stations on the sections where this suspension is provided, at the RU request on train traffic during the period of suspension on the sections concerned.