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MINISTRY OF TRANSPORT AND INFRASTRUCTURE

ORDER

No. 1165 of July 10, 2012

on approving the priority criteria with regard to the railway infrastructure capacity allocation on the congested capacity sections, as well as the and supply of transparency

In accordance with the provisions of Art. 22 Paragraph (3) of the Government Ordinance no. 89/2003 on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure, approved with the amendments and supplements by means of the Law 8/2004, with its further amendments and supplements, and the provisions of Art. 4 Paragraph (1) items 1 and 12 and Art. 5 Paragraph (4) of the Government Decision no. 76/2009 on the organization and functioning of the Ministry of Transport and Infrastructure, with its further amendments and supplements,

The Ministry of Transport and Infrastructure issues the following:

ORDER

Art. 1 The priority criteria for the railway infrastructure capacity allocation on the congested capacity sections set down in the annex which is an integral part of this Order shall be approved.

Art. 2 (1) The priority criteria set down at Art. 1 shall be applied by the National Railway Company “CFR” – S.A. if it declares an infrastructure capacity section to be congested in accordance with the provisions of Art. 22 of the Government Ordinance no. 89/2003 on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification, approved with the amendments and supplements by means of the Law 8/2004, with all its further amendments and supplements.

(2) The National Railway Company “CFR” – S.A. shall enforce the provisions of Paragraph (1) in a non-discriminatory and transparent manner for all the railway undertakings which apply for the allocation of railway infrastructure capacity on the congested capacity section.

Art. 3 The transparency of the activity of railway infrastructure capacity allocation for the congested capacity section shall be supplied by the National Railway Company “CFR” – S.A. by:

- a) publishing the whole necessary information on the website www.cfr.ro;
- b) regularly (weekly in general) organizing a presentation and analysis, for the next period/week, of the railway infrastructure capacity together with the stakeholders established in accordance with the law.

Art. 4 This Order shall be published in the Official Gazette of Romania, Part I.

MINISTER
Ovidiu Ioan SILAGHI



**ANNEX to THE ORDER OF THE MINISTER OF
TRANSPORT AND INFRASTRUCTURE
no. 1165 of July 10, 2012**

**Priority criteria for the railway infrastructure capacity allocation on the
congested capacity sections**

I. Within the railway infrastructure capacity allocation, the capacity necessary for fulfilling the public social service obligations shall have priority.

II. After the Criterion I has been complied with, there shall apply the following criteria:

1. Passenger railway transport:

1.1. The passenger trains shall have priority as regards the capacity use, in order of their categories, being involved in the passenger transport.

1.2. The train paths shall not be used for the traffic of the isolated locomotives, whereas these may be included in the traffic only as aid means for the trains that are out of order.

1.3. The traffic of the locomotives involved in the repairing, refuelling and other technological processes shall be permitted only with the trains in traffic.

1.4. The out-of-order cars which were taken out of the trains in a station on the relevant section shall be guided upon the request of the railway undertaking, hereinafter called the RU, and upon the approval of the Traffic Directorate of the National Railway Company "CFR" SA, hereinafter called the Traffic Directorate, only after analyzing the possibility to register them in the isolated run schedule.

1.5. In order to use the scheduled train paths as efficiently as possible and to perform the transport contracts, the trains shall run at the maximum tonnage and length required by the RU and admitted by the congested traffic section.

1.6. According to the execution stages of the works, the National Railway Company "CFR" – S.A. shall make available to the RUs the schedule alternative, in accordance with the allocation of the number of train paths and the minimum deviations from the previous timetables.

1.7. In cases of force majeure, caused by a railway event or accident that leads to the closing of one of the current lines, the category of the passenger trains shall not be taken into consideration any more for the affected station section when resuming the traffic.

2. Freight railway transport:

2.1. The section ends shall be considered as influence points for the scheduling of the train traffic on the congested section. To this purpose, the scheduling of the trains on the regional borders shall be carried out informatively – monthly and in each decade, quantitatively – daily, and on the congested section between the influence points only quantitatively – daily.

2.2. In order to streamline the railway traffic, there shall be no accumulation of wagons in the stations on the congested section, except for the cases when they are necessary for the beneficiaries on this section and when the station also serves other stations.

2.3. The scheduling of the freight train traffic on the congested section shall be carried out by the Traffic Directorate, by using the train paths at the disposal of the public infrastructure manager. According to the development of the rehabilitation works and the traffic distances to be closed for these works, the train paths may be supplemented up to the limit of the new practical capacity.

2.4. The scheduling of the train path use on the relevant route shall be carried out only for 24 hours by means of the daily traffic schedule, independent of the existing reservation charges.

2.5. The unused train path may be operatively allocated by the Traffic Directorate to another RU if there is a relevant application.

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2.6. If a RU finds out that, due to the daily schedule, it cannot use an allocated train path, this shall operatively notify the Traffic Directorate so that this may allocate it to another RU.

2.7 The manner of using the available train paths by the Traffic Directorate shall take account of the importance of the carried goods, on the basis of the following order of priorities:

- 2.7.1.** – military transports;
- 2.7.2.** – perishable transports;
- 2.7.3.** – international freight transports;
- 2.7.4.** – transports for the rehabilitation works;
- 2.7.5.** – running trains that started from other regional branches in the previous traffic timetable;
- 2.7.6.** – goods transported by sea;
- 2.7.7.** – solid or liquid fuel for the population and for economic entities;
- 2.7.8** – other types of goods, inclusively other oil goods.

For taking account of this criterion, the RUs shall specify in their scheduling applications the type of goods and, for the export by sea, the number of the harbour approval.

If the export by sea is carried out by storing the goods in the harbour, the relevant transport shall be considered to have the priority level under 2.7.6.

2.8. The traffic of the locomotives involved in the repairing, refuelling and other technological processes shall be permitted only with the trains in traffic.

2.9. The isolated locomotives shall not be included in the traffic, except as aid means for the trains that are out of order.

2.10. The out-of-order wagons which were taken out of the trains in a station on the relevant section shall be guided upon the request of the RU and upon the approval of the Traffic Directorate, only after analyzing the possibility to register them in the isolated run schedule or on condition that these wagons are not to limit the running speed of the train in case they are included in the train body.

2.11. In order to use the scheduled train paths as efficiently as possible and to perform the transport contracts, the trains shall run at the maximum tonnage and length admitted by the congested traffic section.

2.12. In case of an emergency or absolute necessity that is caused by a breakdown, railway event or accident or a case of force majeure and leads to the momentarily unavailability of the infrastructure, the scheduled trains shall be cancelled without notice for the period necessary for resuming the traffic.

2.13. According to the execution stages of the works, the National Railway Company "CFR" – S.A. shall make available some schedule alternatives to the RUs.

On the congested capacity section, the Traffic Directorate may operatively grant – upon the request of the freight railway undertakings and under well justified operating conditions – derogations from the provisions of Art. 22 Paragraph (1) of the "Instructions on Train Traffic Scheduling and Technical Operational Analysis" no. 099, published in the Official Gazette of Romania, Part I, no. 1142 of December 16, 2005.