ANNEX 25.a Methodology for Charging the Use of Railway Infrastructure

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COMPANIA NATIONALA DE CAI FERATE CFR SA

Annex no. 2

to the activity and performance contract of
CFR SA for the period 2021-2025

CALCULATION OF THE RAILWAY INFRASTRUCTURE ACCESS CHARGE

(referred to in Article 6 para. (1) item iv of the Contract)

Content:

ANNEX NO. 2.1: METHODOLOGY FOR CALCULATING THE RAILWAY INFRASTRUCTURE ACCESS CHARGE

Art. 1. - The railway infrastructure charge, hereinafter referred to as IAC, shall be the amount paid by a railway transport operator, hereinafter referred to as RU, or, where appropriate, by the applicant who has designated the RU in accordance with the provisions of Article 41 para. (1) of Law no. 202/2016 on the integration of the railway system in Romania into the single European railway area, with subsequent amendments, for the provision of the minimum access package for the movement of trains belonging to RU in accordance with the provisions of Article 13 para. (1) of Law no. 202/2016.

Art. 2. - For the railway infrastructure managed and operated by the National Railway Company "C.F.R." – S.A., hereinafter referred to as CFR SA, the calculation and collection of IAC shall be the responsibility of CFR SA, as administrator of the railway infrastructure in accordance with the provisions of art. 29 para. (1) of Law no. 202/2016.

Art. 3. - The IAC shall be applied in a non-discriminatory manner for all RU for similar conditions of carriage, in accordance with the provisions of Article 29 para. (3) of Law no. 202/2016.

Art. 4. – The methodology for calculating the IAC is based on the following tariff elements:

    a) the distance covered by the train calculated between the axis of the station of origin and the axis of the destination station;

    b) the gross tonnage of the train;

    c) type of traffic: freight or passengers;

    d) the traffic route;

    e) the class of the section for calculation of the IAC and its endowment with electrification systems to ensure the traction power.

Art. 5. - The IAC is calculated and applied for each train running on the railway infrastructure operated by CFR SA, based on the tariff elements referred to in Article 4. On the railway lines equipped with electrification systems, the IAC includes the costs of electrical equipment, only for the trains with electric traction. For the movement of isolated locomotives, the type of traffic that generates the lowest value of the IAC shall be considered.

Art. 6. – The railway infrastructure traffic lines are classified by line classes according to the maximum permitted line speed, according to Table A2.1:

Table A2. 1 – Classification of traffic lines

Class of the line	Speed regime (km/h)	
	from	to
A	121	160
B	91	120
C	51	90
D	0	50

Art. 7. – (1) The railway infrastructure traffic lines shall be divided into IAC calculation sections, hereinafter referred to as IAC sections, which shall, as a rule, represent the distance between two consecutive disconnecting points.

(2) Each IAC section shall be assigned a line class in accordance with the classification criterion laid down in Article 6, on the basis of the rules referred to in paragraph (4).

(3) The list of classification of the IAC sections by line classes shall be established under the conditions stipulated in Article 29 of Law no. 202/2016.

(4) For the classification of an IAC section in a line class referred to in Article 6, the following rules shall apply:

   a) The line class corresponding to each IAC section is assigned according to the weighted average of the maximum technical speeds allowed by the line for passenger traffic, according to the speed graphs (curve grouping) which also include permanent speed limits.

   b) If the length of the permanent speed limit exceeds 50% of the length of the IAC section, the speed provided by the speed limitation for the entire length of the IAC section shall be taken into account.

   c) If there are different speeds on the IAC sections with a double line on the traffic lines, determined in accordance with the rules laid down in points (a) and (b), the lowest speed shall be taken into account for both lines.

   d) For IAC sections with exclusive freight traffic, the weighted average of the maximum technical speeds allowed by the line for freight traffic shall be taken into account.

(5) For the purposes of this Article, the term 'permanent speed limitation' means a speed limit set out for a period of 12 months or more.

(6) The rules referred to in para. (4) shall be applied uniformly to the entire railway network managed by CFR SA.

(7) The rules referred to in para. (4) shall also apply in cases where the railway undertakings require the trains to be set at speeds below the lower speed limit of the line class corresponding to IAC section, as laid down in Article 6.

(8) During the period of validity of the activity contract referred to in Article 29 para. (1) of Law no. 202/2016 the maximum permissible line speed may change as a result of events such as, but not limited to:

   - completion of works for the modernization, renewal or maintenance of the railway infrastructure, with effects on the increase of the maximum speed allowed by the line;

   - the intention to establish new permanent speed limits, with effects on reducing the maximum permitted line speed, either as a result of random failure of some elements of the infrastructure or as a result of the carrying out of planned maintenance or infrastructure upgrade works.

Where such amendments lead to the reclassification, under the conditions of Article 6, of one or more IAC sections, on the basis of the rules referred to in para. 4, the list referred to in paragraph (3) shall be updated by the activity contract or by an addendum to this contract, as the case may be, in accordance with the law.

Art. 8. - In accordance with the provisions of Article 31 para. (3) of Law no. No 202/2016, for the establishment of the railway infrastructure charge for each class of line, the cost directly generated as a result of the operation of the railway transport services, which is distributed according to the type of freight or passenger traffic, is taken into account.

Art. 9. - (1) The basic tariff elements applicable for the determination of the IAC are structured according to Table A2.2 — Basic tariff elements for the IAC, thus:

Table A2. 2 – Basic pricing elements for IAC

Tariff item name	Basic pricing elements			
Charging elements depending on the tonnage of the train	Charge per kilometer train depending on the distance (Lei/train-km)			
Line class	A	B	C	D

Traffic lines	Ttsn	Ttsn	Ttsn	Ttsn
Minimum tonnage	Tmin	Tmin	Tmin	Tmin
Tonnage factor	Ft	Ft	Ft	Ft
Tariff elements depending on the distance covered	**Charge per kilometer train depending on the distance (lei/train-km)**			
Line class	**A**	**B**	**C**	**D**
Traffic	Tc	Tc	Tc	Tc
Electrification	Ttse	Ttse	Ttse	Ttse

The basic tariff elements in the table have the following meaning:

$Ttsn$ - represents the charge by tonnage for each km of line class;

$Tmin$ – represents the gross tonnage of the train from which the tonnage factor is applied;

Ft – tonnage factor is a correction coefficient that is applied to the gross tonnage of the train;

Tc - represents the charge for movement depending on the distance for each km of line class.

$Ttse$ – represents the charge for the use of electrification equipment for each km of electrified line class and does not include the value of the traction electricity;

(2) The value of the IAC for a train that covers a traffic route is calculated by the sum of the fares for each distance covered on a IAC section (IAC section), depending on its class, applying the following formula:

IAC = Σ IAC section

where:

IAC section = IAC tonnage + IAC traffic + IAC electrification

and:

IAC tonnage - is the charge for the use of railway infrastructure on a class of IAC section depending on the distance covered as well as the tonnage of the train and is calculated with the formula:

IAC tonnage = Km x Ttsn [1 + (Gross tonnage – Tmin) x Ft]

where:

Km = number of km covered per IAC section;

Ft = 0 for trains of less gross tonnage than Tmin;

Gross tonnage = gross train tonnage according to the form "Displaying wagons", including locomotives in operation or the tonnage of locomotives or railcars in the case of running without towed rolling stock.

IAC traffic - represents the tariff for driving the traffic according to the distance covered and is calculated with the formula*:*

IAC traffic = Km x Tc

where:

Km = number of km covered per IAC section;

IAC electrification - is the tariff for the use of electrification equipment for each class of electrified line, only for trains with electric traction, depending on the distance covered and is calculated with the formula:

IAC electrification = Km x

Ttse where:

Km = number of km covered per IAC section;

Art. 10. - The value of the basic tariff elements is established by CFR SA for each class of IAC section and by type of freight or passenger traffic and is published in the C.F.R. Network Statement.

Art. 11. - (1) The IAC is calculated by CFR SA by its own computer means, based on the data provided by the specific systems for monitoring the movement of trains.

(2) The detailed situation of the trains circulated shall be presented monthly to each RU under the conditions set out in the access contract provided for in the Government Emergency Ordinance no. 12/1998, republished, with subsequent amendments.

Art. 12. (1) In the event of the unavailability of the computer system for the calculation of the IAC referred to in Article 11para. (1), the IAC shall be calculated at the statistical average value of the last 3 months of traffic for each RU, starting from the date of declaring the computer system unavailable.

(2) The declaration of the unavailability of the information system shall be made by CFR SA, by informing the RU and the management of the Ministry of Transport and Infrastructure in case the unavailability exceeds 10 days.