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Network Statement of Graz-Köflacher Bahn und Busbetrieb GmbH (GKB)

General information

In its role as a railway infrastructure company (RIC), Graz-Köflacher Bahn und Busbetrieb GmbH (GKB) offers the products listed in the annexes to its standard terms and conditions of business to railway undertakings for the purposes of providing their railway transportation services in accordance with the standard terms and conditions of the infrastructure usage contract (AGB) in as far as this infrastructure exists and is available.

GKB contact persons

Role	Name	Tel.	Fax	Email
IN-BD (Infrastructure Operations)	Johann BLASCHITZ	0316/5987 250	0316/5987 15	blaschitz.johann@gkb.at
IN-BD-BK (Operational Management)	Gerhard MALLI	0316/5987 242	0316/5987 15	malli.gerhard@gkb.at

Allocation and fee collection body of GKB

Schieneinfrastruktur-Dienstleistungsgesellschaft mbH

Lassallestraße 9 b, 1020 Vienna
Department for Railway Infrastructure Services
Ulrike FARNIK (Manager)
Tel.: +43 (0)1 812 73 43-1600; Fax: +43 (0)1 812 73 43-1700
Email: schig.eis@schig.com

Legal notice

Responsible for design and content:

Graz Köflacher Bahn und Busbetrieb GmbH

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1. Introduction

- 1.1. Definition
- 1.2. Legal basis and purpose of the network statement
- 1.3. Scope of application and validity period
- 1.4. Contact

1.1. Network Statement (NWS)

This NWS represents a detailed presentation of the general rules, deadlines, procedures and criteria for the fee and capacity allocation rules. It also contains the additional information necessary for the submission of requests for the allocation of track capacity.

The NWS of GKB, as amended, is available for all interested parties in both German and English from the relevant GKB contact persons and is also available online on the GKB website via the link <http://www.gkb.at/index.php/infrastruktur-zugang>.

1.2. Legal basis and purpose of the network statement

Article 27 of EU Directive 2012/34/EU and Article 59 of the Federal Railways Act (*EisbG*) demand that operators of infrastructure prepare and publish a network statement at least four months in advance of the deadline for the submission of requests for the allocation of track capacity. This network statement is always to be kept updated and must contain details of the route(s) made available to the railway undertakings as well as information regarding the terms of access for the relevant route(s).

1.3. Scope of application and validity period

The network statement applies to the entire network of GKB (Graz – Köflach, Lieboch – Wies-Eibiswald). The parameters contained are based on the infrastructure status as at December 2014 and are regularly updated. The request submission deadlines set out in the section entitled "Allocation of track capacity" relate to the 2017 timetable for the period from 11 December 2016 to 09 December 2017.

1.4. Contact

Information pertaining to network access is distributed by the Infrastructure Operations Department (Infrastruktur Betrieb) of GKB. The role of the track allocation and fee collection body (e.g. network timetable, definition of track usage fees) for GKB is undertaken by Schieneninfrastruktur-Dienstleistungsgesellschaft m.b.H. (SCHIG) from Monday to Friday between 09:30 and 15:30.

Role	Name	Tel.	Fax	Email
IN-BD (Infrastructure Operations)	Johann BLASCHITZ	0316/5987 250	0316/5987 15	blaschitz.johann@gkb.at
IN-BD-BK (Operational Management)	Gerhard MALLI	0316/5987 242	0316/5987 15	malli.gerhard@gkb.at

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SCHIG

Allocation and fee collection body of GKB

Ulrike FARNIK (Manager)

Tel.: +43 (0) 1 8127343-1600; Fax: +43 (0) 1 8127343-1700

Email: schig.eis@schig.com

Outside of office hours, the option also exists of submitting requests to the dispatch department (*Fahrdienstleitung*) at the following railway station:

Graz Köflacherbahnhof

Köflacher Gasse 41

8020 Graz

Tel.: +43 (0) 316 5987 272; Fax.: +43 (0) 316 5987 255

Email: gkf.gkf@gkb.at

2. Network access

2.1. Access to the railway infrastructure of GKB

2.1.1. Entities entitled to track capacity

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2.1. Access to GKB railway infrastructure (pursuant to Article 57, *EisbG*):

2.1.1. Entities entitled to track capacity (pursuant to Article 57a, *EisbG*)

- 1) Entities with rights of access
- 2) International groups of railway undertakings (RUs), other natural persons and legal entities such as public authorities as defined by Regulation (EC) No 1370/2007, shippers, forwarders and combined transport operators which have a joint or a sole commercial interest in purchasing track capacity.

2.1.2 Entities with rights of access (pursuant to Article 57, *EisbG*)

- 1) Railway undertakings (RU) with registered offices in Austria;

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- 2) RUs with registered offices in another Member State of the European Union or in another signatory to the treaty on the European Economic Area for the provision of cross-border passenger rail services, on the precondition that the main purpose of the rail services is the cross-border transportation of passengers.
- 3) RUs, with registered offices in another Member State of the European Union, in the territory of another signatory to the treaty regulating the European Economic Area, or in Switzerland, providing rail cargo transportation services;
- 4) RUs with registered offices in other states in as far as treaty-based rules on access exist;
- 5) RUs with registered offices in other states when access is in the interests of public transport and provided such that this is on a reciprocal basis and the terms of performance have been defined in international agreements.

2.2 The following requirements apply for exercising access rights on the part of entitles with rights of access:

2.2.1 Transport license and concession

A license pursuant to Directive 95/18/EC, as amended, Directive 2004/49/EC and/or a transport license pursuant to Article 15 of the Federal Railways Act and/or a transport concession pursuant to Article 16 of the Federal Railways Act shall represent preconditions for exercising rights of access on the part of a railway undertaking. The preconditions necessary in order to apply for a transport license or concession are to be requested from the authority issuing such approvals.

Austrian Ministry for Transport, Innovation and Technology

Gruppe Schiene 5
Radetzkystraße 2, 1030 Vienna
Tel.: +43 1 711 62 65 2204
Fax: +43 1 711 62 2099
Email: sch5@bmvit.gv.at

2.2.2 Safety certification

2.2.2.1. General information

In the interests of transport safety, RUs must possess a current safety certificate in order to be permitted to provide transportation services on the rail infrastructure operated by GKB. This certificate defines the safety requirements which have to be fulfilled in order to access the relevant routes.

Pursuant to the requirements of the EU (refer to Article 37 of the Federal Railways Act), prolongations and new safety certificates are issued by the Austrian Ministry for Transport, Innovation and Technology. These consist of a general section (*Teil A*) and a specific section (*Teil B*) which permit the holder to access the railway network of a defined infrastructure operator. The issuance of a safety certificate attests that an RU is capable of fulfilling the safety requirements necessary for network access.

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2.2.2.2. Scope of application

Safety certificates for access to the GKB network are generally issued for the entire network, with restrictions to certain sections of track being avoided whenever possible.

A safety certificate is issued for a defined period of time and may be prolonged subject to a corresponding request from an RU.

2.2.2.3. Application for issuing a safety certificate

Applications for the issuing of a safety certificate are to be submitted in writing to the Austrian Ministry for Transport, Innovation and Technology.

Austrian Ministry for Transport, Innovation and Technology (*Bundesministerium für Verkehr, Innovation und Technologie*)

Gruppe Schiene 5
Radetzkystraße 2, 1030 Vienna
Tel.: +43 1 711 62 65 2204
Fax: +43 1 711 62 2099
Email: sch5@bmvit.gv.at

The necessary package of standards will be sent to the RU by GKB and contains examples of the standards defined in the safety certificate. Further examples are available on request subject to the payment of a fee.

2.2.3. Insurance terms

The insurance terms can be found in the standard terms and conditions of business (*AGB*) Explicit reference is made to the fact that the validity of the third-party liability cover for Austria must be identifiable and/or established.

2.3. Requirements imposed on entities entitled to track capacity pursuant to Article 57a (ii) of the Federal Railways Act:

Entities entitled to track capacity pursuant to Article 57a (ii) of the Federal Railways Act are hereinafter defined as non-railway undertakings (NRU).

The NRU shall be required to provide evidence of its sole or joint interest in acquiring track capacity no later than the point in time of its application for the allocation of track capacity. The application for the allocation of track capacity shall otherwise be rejected.

The use of the track capacity allocated to the NRU is to be undertaken by an RU, with the latter being advised to SCHIG mbH or GKB:

- no later than 30 days before the first day of the allocated track capacity,
- and in no case later than at the time of the application in as far as the first day of the allocated track capacity is within 30 days of the application.

2.4 Requests for the allocation of track capacity

For more details regarding requests for the allocation of track capacity, please refer to Point 4.1 "Requests for track capacity".

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2.5 Infrastructure usage contract (IUC), track capacity contract (TCC), standard terms and conditions of business (AGB)

Assuming all of the preconditions have been met and the request for the allocation of track capacity can be fulfilled, then an IUC or a TCC shall be concluded between the applicant for track capacity, on the one hand, and the allocation body of GKB on behalf and on the account of GKB, on the other. These contracts regulate the general aspects of the cooperation between GKB and/or the allocation body of GKB, on the one hand, and the RU, on the other.

The constituent elements of these contracts include, inter alia, the AGB as well as the track allocation agreement which contain details regarding the track capacity allocated and any additional services requested (e.g. shunting, maintenance work, track rental, etc.).

2.6 Contract regulating access to service facilities and the provision of services

In the event that an RU has been granted access to service facilities and services, then the operator / provider of the same shall conclude a written contract with the RU. The standard terms and conditions of business (AGB) as published on the website of GKB shall apply.

2.7 Regulations and standards

The relevant regulations and standards are published on the GKB website at www.gkb.at.

In general, operations on the network of GKB are in accordance with the applicable operational regulations of the same (*Betriebsvorschrift V3*).

2.8 Extraordinary loads

A load or shipment shall be regarded as extraordinary in the event that, as a result of its external dimensions, its weight or its characteristics in terms of the railway infrastructure or rolling stock, it causes particular difficulties and can therefore only be carried under special technical or operational conditions.

The carriage of extraordinary loads or shipments or transportation involving unlicensed rolling stock (e.g. steam locomotives) must be applied for separately and is subject to special approval from the relevant departments of GKB (*Infrastruktur-Fahrweg and Infrastruktur-Betrieb-Zulassungsstelle*).

2.9 RID goods and environmental protection

2.9.1 RID goods (dangerous goods)

The carriage of dangerous goods by rail both nationally and internationally is subject to the Regulation concerning the International Carriage of Dangerous Goods by Rail (RID). The provisions of the Dangerous Goods Transport Act (*GGBefG*), in particular Section 5 thereof, in addition to the stipulations of the provisions of UIC Leaflet 471-3 are also to be complied with.

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2.9.2 Environmental protection

The relevant provisions of Austrian environmental legislation (noise, emissions, waste management, etc.) are also to be complied with in the course of using the rail infrastructure operated by GKB. In the event of actual or impending environmental impacts (contamination or other threats to the environment), the RU shall, irrespective of any other legally required reporting obligations or notifications to public safety institutions, fire brigade, etc., also inform the Infrastructure Operations Department of GKB.

2.10 Technical preconditions for network access

Communication systems: Train radio (2-meter band)
 Shunting radio (digital)

2.11. Complaints

Entities entitled to track capacity have the option of addressing complaints to the arbitration body Schienen-Control in the event that a request for the allocation of track capacity is rejected or a minimum access package is not granted on the grounds defined in Article 72 (1) of the Federal Railways Act. Furthermore, RUs shall be entitled, in connection with the granting of services and access to service facilities, including access to tracks, to address complaints to Schienen-Control on the grounds set out in Article 73 (1) of the Federal Railways Act.

Complaints are to be submitted in writing and are to contain the applications defined in Articles 72 (2) and 73 (1) of the Federal Railways Act.

Schienen-Control
Linke Wienzeile 4/1/6
1060 Vienna
Tel.: +43 1 5050 707
Email: office@schienencontrol.gv.at

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3. The GKB network (Graz Hbf – Köflach; Lieboch – Wies-Eibiswald)

- 3.1. Organisational structure of GKB
- 3.2. Organisation of the Infrastructure Operations Department (IN-BD)
- 3.3. Route Management Department (IN-BD-TM)
- 3.4. SCHIG mbH as the fee collecting body
- 3.5. Operators of service facilities
- 3.6. Operational controlling (IN-BD-BK)
- 3.7. Approvals office (IN-BD-ZL)
- 3.8. Divisional managers of IN-BD
- 3.9. General network details

3.1 Organisational structure of GKB

Graz-Köflacher Bahn und Busbetrieb GmbH (GKB) operates as an independent federal legal entity with limited liability under the Austrian commercial code. The executive and non-executive bodies of the company are the general management and the supervisory board. As an integrated railway undertaking, GKB maintains separate accounts for its sales and infrastructure-related operations.

The departments Infrastructure Operations and Infrastructure Track (*Infrastruktur Betrieb and Infrastruktur Fahrweg*) form part of the infrastructure division (*GKB-Infrastruktur*).

3.2 Organisation of the Infrastructure Operations Department (IN-BD)

The tasks assigned to this division include, inter alia, the management of operations, operational standards, the management of administrative procedures in connection with standards subject to approval, the issuing of safety certificates, internal coordination and information management with regard to the development of standards. This department is also responsible for defining the content of training for operational employees, the operational requirements with regard to infrastructure projects, and technical systems as the basis for technical planning activities. This department also bears responsibility for safety vis-a-vis customers, the company management and employees by means of further developing the safety management system as well as for construction planning.

3.3. Route Management Department (IN-BD-TM)

Acting as the track allocation body of GKB, SCHIG allocates track capacity to entities entitled to track capacity. Such allocations take place in the name of and on the account of GKB in the form of a written contract. In its role as the track allocation body and among other tasks, SCHIG coordinates, in accordance with this network statement, requests from various entities entitled to track capacity which are incompatible.

3.4. SCHIG mbH as the fee collecting body

Pursuant to Article 58 of the Federal Railways Act and acting as the fee collecting body of GKB, SCHIG defines the usage fee for the so-called minimum access package (*Mindestzugangspaket*). The operator of the relevant service facilities is responsible for defining the fees associated with the provision of services (Article 58b, (1 - 3)).

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3.5. Operators of services facilities (pursuant to Article 62a, *EisbG*)

The services provided by GKB for RUs. Services relate to those:

- services which are provided at a service facility (Article 58b (1))
- additional services (Article 58b (2)), or
- ancillary services (Article 58b (3)).

3.6 Operational Controlling (IN-BD-BK)

This department is responsible for regularly overseeing operations as well as for the regular training of GKB personnel in terms of operations as well as the management and monitoring of traffic on the network of GKB, process-based responsibility for the management and control of rail traffic as well as for maintenance, fault and incident management.

3.7 Approvals Office (IN-BD-ZL)

This department is responsible for the approval of rolling stock for usage on the GKB network.

3.8 Divisional managers of IN-BD

The divisional managers bear overall responsibility for commercial efficiency, safety and quality. Their tasks include the planning and management of production, the management of rail traffic and shunting as well as joint responsibility for human resource management, controlling, operational, fault and incident management.

3.9 General network details

The GKB network consists of 32 operational sites (stations and stops) and a total network consisting of 97 km of non-electrified, standard gauge track (1,435 mm). The so-called infrastructure register (Infrastrukturregister) provides a detailed overview of the technical equipment and capacity of the GKB network as well as information regarding the parameters of the routes and operational management. The following overview plans can also be found in the annex to this document. The routing department (*Bereich Fahrweg*) is responsible for infrastructure management.

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4. Allocation of track capacity

Refer to Annex 3 of the GKB standard terms and conditions of business

- 4.1. Provision of track capacity
 - 4.1.1. Procedure
 - 4.1.2. Operating hours of GKB infrastructure dept. / shunting times at the Graz Köflacherbahnhof marshalling yard
- 4.2. Allocation of track capacity by SCHIG
 - 4.2.1. Procedure for network planning
 - 4.2.2. Deadlines for the allocation of track capacity for the 2016/2017 timetable (timetable year 2017)
 - 4.2.3. Allocation of track capacity for ad-hoc trains
- 4.3. Predesigned paths
- 4.4. Deviations from the daily target
 - 4.4.1. Terms
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 - 4.4.3. Tasks of the infrastructure operator
 - 4.4.4. Tasks of the railway undertaking
- 4.5. Incentives to reduce disruptions (pursuant to Article 67h of the Federal Railways Act)
 - 4.5.1. Principle
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 - 4.5.6. Calculation of payments
 - 4.5.7. Complaints procedure
- 4.6. Construction work planning
- 4.7. Payment for unused track capacity

4.1. Provision of track capacity

4.1.1. Procedure

Requests for the allocation of track capacity are to be addressed in writing to Schieneninfrastruktur-Dienstleistungsgesellschaft mbH, Lassallestraße 9 b, 1020 Vienna. The details of the contact person at SCHIG are provided under Point 1.4.

Requests for the allocation of track capacity are to be based on the appropriate order form for track capacity or by means of the following digital template http://www.gkb.at/downloads/trassenbestellung_stand_2012_12_11.xlsx and must provide the following details:

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- Route
- Time (location, stops, traffic operating days)
- Train weight and length
- Locomotive
- Speed
- Braking technologies on board
- Special characteristics (e.g. shunting, connections, change of personnel, RID, extraordinary loads, etc.)

Any missing details are to be provided by the RU if requested by GKB no later than within three working days. Failure to comply with this request in a timely manner will mean that the request has not been submitted within the deadline.

The office hours of SCHIG are Monday to Friday from 09:30 to 15:30.

Complete applications for the allocation of track capacity submitted to SCHIG in a timely manner shall form the basis for scheduling and for the allocation of track capacity. In the event that the RU partly or completely revises its request for the allocation of track capacity after the order date, then the same shall bear the risk that it is not possible to grant the allocation request. Any additional expenses incurred by GKB as a result shall be reimbursed by the RU.

4.1.2. Operating hours of GKB infrastructure dept. / shunting times at the Graz Köflacherbahnhof marshalling yard

The operating hours on the various sections of track are defined in Annex 5 to the standard terms and conditions of business (AGB) and in the network statement of GKB.

4.2. Allocation of track capacity and the granting of the minimum access package by SCHIG

In its role as the allocation body of the infrastructure operations division of GKB, SCHIG reaches decisions regarding the allocation of track capacity on a non-discriminatory, appropriate and transparent basis while also taking into account the relevant regulations defined by the Federal Railways Act, as amended.

SCHIG performs the tasks associated with the role of an allocation body on behalf of GKB as an integrated railway infrastructure company.

SCHIG undertakes the allocation of track capacity to entities entitled to track capacity on the basis of the principles of non-discrimination and the efficient usage of railway infrastructure.

The entity entitled to track capacity commits to optimally comply with the allocation principles defined under Article 63 of the Federal Railways Act.

The allocation of track capacity as well as the granting of the minimum access package shall, with the exception of the cases defined under Article 70a (4) of the Federal Railways Act, as amended, be based on a written contract which sets out all of the conditions relating to the administrative, technical and financial details associated with access to the railway infrastructure and the granting of the minimum access package. SCHIG concludes these contracts with the entities entitled to track capacity on behalf and on account of the infrastructure operations division of GKB.

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4.2.1. Procedure for preparing the network timetable

Phase I - Main request phase

The deadline for submitting requests on the part of entities entitled to track capacity for the allocation of track capacity to be included in the network timetable is 15 July 2016 – refer here to the schedule.

As far as is possible, SCHIG shall take all requests for track capacity allocation from entities entitled to track capacity into account when preparing the network timetable.

Priorities when allocating track capacity

As the allocation body and pursuant to Article 65 (7) of the Federal Railways Act, SCHIG shall assign priority to special railway services in those cases defined under Article 65c (3) of the Federal Railways Act when preparing its network timetable and coordination procedures. The following prioritisation rules shall apply:

1. Requests for the allocation of fixed track capacity as defined by Article 63 (2) of the Federal Railways Act;
2. Requests for track capacity in order to perform community-based passenger services in the general interest during peak traffic periods;
3. Other track capacity requests shall be prioritised corresponding to the social value of their traffic services; freight traffic, in particular freight traffic crossing a national border, is considered to have higher social value than passenger traffic.

Phase II – Coordination procedure

In the event of incompatibilities in terms of the different requests for track capacity submitted by entities entitled to track capacity which need to be taken into account when preparing the network timetable, the allocation body shall, in accordance with Article 65b (1) of the Federal Railways Act, coordinate these requests and attempt to arrive at a mutually acceptable solution by means of negotiations with the entities entitled to track capacity.

Phase III – Hearing

As the allocation body, SCHIG mbH shall listen to the cases of all entities entitled to track capacity who have requested track capacity or have submitted a non-binding request, as well as to third parties which wish to make a statement with regard to any impact of the network timetable on their ability to make use of rail transportation services, with regard to the draft network timetable and shall grant each of these parties a deadline of one month in which to submit their statements.

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Phase IV -- Coordination 2

In those cases in which requests on the part of entities entitled to track capacity which have requested track capacity which should be taken into account in the preparation of the network timetable and which, after the coordination of the requested track capacity and after consultation with the entities entitled to track capacity in question, it is not possible to fully comply with these requests, SCHIG mbH, as the allocation body, shall declare the relevant section of railway infrastructure to be congested. This declaration shall also be issued in cases in which it is foreseeable that the capacity of the railway infrastructure will not be sufficient in the near future.

Phase V – Dispute resolution

For the purposes of rapidly resolving disputes between entities entitled to track capacity in terms of the allocation of requested track capacity, the allocation body has set up a dispute resolution procedure which ensures that decisions are reached on disputes within a period of ten working days.

Phase VI – Congested railway infrastructure

In the event that requests for the allocation of track capacity lead to a declaration of congested railway infrastructure, the following procedure and prioritisation criteria shall be applied to this congested railway infrastructure:

Pursuant to Article 65c (3) of the Federal Railways Act, as amended, requests which, inter alia, are not related to the allocation of track capacity for the fulfilment of non-profit-oriented passenger-transport-related obligations during peak periods, are to be prioritised on the basis of the community-based value of the underlying rail services.

The peak periods are, pursuant to Article 65c para. 3 (2) of the Federal Railways Act, as amended, defined in the annexes to the network statement.

In the event that the dispute resolution procedure does not yield a solution to the track allocation conflict, then SCHIG mbH, in its role as the allocation body, shall reach a decision based on the prioritisation rules pursuant to Article 65c (3) of the Federal Railways Act., as amended. The allocation shall, at the same time and in accordance with Article 65c (1) of the Federal Railways Act, as amended, declare the relevant section of railway infrastructure to be congested. This declaration shall also be issued in cases in which it is foreseeable that the capacity of the railway infrastructure will not be sufficient in the near future.

Rejections of requests on the part of entities entitled to track capacity for the allocation of track capacity shall be issued in writing by the allocation body and provide details of the reasons therefor.

4.2.2. Deadlines for the allocation of track capacity for the 2016/2017 timetable (i.e. Network Timetable 2017)

The Network Timetable 2017 extends from 11 December 2016 to 09 December 2017.

Schedule for requests for the allocation of track capacity for the Network Timetable 2017

Request for the allocation of track capacity 1	Primary deadline	18 August 2016
	Secondary deadline	25 August 2016

Draft network timetable prepared by SCHIG 15 September 2016

The relevant dates above relate to the end of the respective period.

The network timetable shall come into effect on 11 December 2016.

4.2.3 Allocation of track capacity for ad-hoc trains

The prioritisation of requests for the allocation of track capacity shall apply on a first-come-first-served basis for trains which refer to the valid timetable, i.e. requests submitted earlier will be assigned a higher priority than those submitted at a later point in time. (Relevant here shall be the date of the postmark or the fax).

4.3. Offered routes

4.3.1. Offered routes

The term offered routes refers to predefined routes (paths) prepared by the infrastructure operations division of GKB. These routes (paths) are integrated into sections of track with free capacity and can be reserved by all railway undertakings within the scope of the defined transit days, even at short notice.

4.4. Deviations from the daily target

In order to ensure the non-discriminatory treatment of all RUs by the infrastructure operator in the case of deviations from the daily target, a 24/7 on-call service has been set up by the IN-BD department.

The on-call service of IN-BD mainly regulates the following issues:

- a) Deviations from the daily target, meaning
 - unscheduled restrictions in terms of the infrastructure,
 - organisational and technical problems in terms of the movement of trains,
 - delays (refer also to the incentive system defined under Point 4.5) and
 - marshalling changes which impact on operations.

- b) Defining standardised reporting procedures between the infrastructure operator and those railway undertakings transiting on the GKB network in the event of disruptions to services. The disruption management concept shall be prepared principally by the infrastructure operator in cooperation with the railway undertakings transiting on the GKB network and the traction service provider(s).
The RUs are to establish control centres or contact personnel (defined in the infrastructure usage contract) who are reachable around the clock and who will be contacted by the competent on-call service in the event of a disruption to operations and whose requirements will be taken into account in the efforts to re-establish scheduled operations (with the exception of the corrective action initially taken).

4.4.1. Terms

The daily target is the total of all train services and related routes travelled by the RUs on a specific day. The rules apply analogously to service-related paths.

Deviations from the daily target:

- unscheduled restrictions in terms of the infrastructure
- organisational and technical problems in terms of the movement of trains
- delays, including those as a result of ordered and confirmed additional services
- marshalling changes which impact on operations.

4.4.2. Tasks of the traction service provider

The infrastructure operator shall inform the RU and the relevant traction service provider in the event of deviations from the daily target. Deviations may be the subject of special agreements. Corrective action relates only to those steps undertaken by the infrastructure operator in order to clear the infrastructure after extraordinary events and disruptions to operations. The RU may be called upon by the infrastructure operator to assist in clearing the infrastructure even in those cases when another RU is involved. Preventative action relates to all other steps undertaken with the involvement of all railway undertakings transiting on the GKB network (disruption management concepts, re-routing orders or instructions).

4.4.3. Tasks of the infrastructure operator

- An obligation to inform railway undertakings (RU) or other infrastructure operators exists in the event of any impending or actual disruptions to operations, particularly those disruptions which could lead to deviations from the agreed track capacity (delays, etc.).
- Action in the event of disruption to operations
- Information for travellers at stops / stations regarding rail traffic
- Documentation
- The preparation of disruption management concepts in consultation with the relevant railway undertakings (RU) and/or traction service providers for defined areas.

4.4.4. Tasks of the railway undertaking

- An obligation to inform the infrastructure operator exists in the event of any impending or actual disruptions to operations, particularly those disruptions which could lead to deviations from the agreed track capacity (delays, etc.).
- Instructions and re-routing orders for the relevant disruption to operations.
- Involvement in efforts to resolve any disruptions to operations in the form of corrective action even if this involves other RUs.
- Information for train passengers
- Information for RU customers

4.5. Incentives to reduce disruptions (pursuant to Article 67h of the Federal Railways Act)

The incentive system consists of a combination of minute-based delays, delay causes and so-called significant minute-based delays (*maßgebliche Verspätungsminuten*).

4.5.1. Principle

The fees for the usage of track capacity are structured in such a way that they provide both the RU and infrastructure operations department of GKB (GKB-Infrastruktur) performance-based incentives to reduce disruptions and to increase the performance of the rail network. To this end and on the basis of the following terms, the minute-based delays experienced by trains and the causes of the relevant delays are calculated and, on this basis, incentive-based payments are made by both contractual parties to the relevant other contractual party as part of a remuneration system. The minute-based delays are attributed to the scope of responsibility of GKB-Infrastruktur or the relevant RU, or to that of neither party depending on the cause of the delay. The minute-based delays attributed to GKB-Infrastruktur and to the relevant RU are recorded once per month and netted, as a result of which either an incentive-based payment in addition to the track usage fee is payable by the RU or an incentive-based payment is payable by GKB-Infrastruktur. The volume of the incentive-based payments is determined on the basis of the following terms:

4.5.2. Fundamental terms of the incentive system

The incentive system is based on the use of the terms minute-based delays (*Verspätungsminuten*), significant minute-based delays (*maßgebliche Verspätungsminuten*) and the causes of delays. Minute-based delays are those delays, measured in minutes as a result of deviations, on the part of GKB-Infrastruktur in terms of the scheduled journey time per measured section of track and are recorded on the basis defined in the following section entitled "Recording minute-based delays". Significant minute-based delays are those delays, measured in minutes per train movement, which are attributable to either the RU or GKB-Infrastruktur defined in the following section entitled "Responsibilities for minute-

based delays” The causes of delays are those listed in the table contained in the following section entitled “Responsibilities for minute-based delays”.

4.5.3. Recording minute-based delays

The recording of train movements takes place continuously on a minute-by-minute basis at the measuring points set up for this purpose. The minute-based delays are recorded by the competent dispatcher or using IT-based resources and are assigned a cause for the delay by the dispatcher. All measuring points will be advised to the RU on request. The assignment of the causes of delays, including any necessary corrective action, shall be based on the fundamental principles of GKB-Infrastruktur. RUs are obligated to report disruptions to operations caused by their services to the competent dispatcher without delay.

4.5.4. Responsibilities for minute-based delays

The table below sets out the various causes of delays. These can be attributed partly to the sphere of responsibility of GKB-Infrastruktur and/or the RU of the rail passenger or rail cargo traffic. In addition, there are also causes of delay which are attributable to the sphere of responsibility of neither party. The significant minute-based delays for the incentive system and their allocation to the relevant sphere of responsibility is based on the following criteria. A differentiation is made here between the following spheres of responsibility:

- ☆ The responsibility of GKB-Infrastruktur
- ☆ The responsibility of the RU for rail passenger transport
- ☆ The responsibility of the RU for rail cargo transport
- ☆ The responsibility of neither party

Minute-based delays which cannot definitively be attributed to the sphere of responsibility of GKB-Infrastruktur or that of an RU are not regarded as minute-based delays and are not taken into account in the calculation of incentive-based payments.

Slow track sections	Extended / unscheduled stop	Scheduled intervention in transit	Hazardous incidents
Construction-related irregularities	Defective locomotive	Unscheduled intervention / stop	Cause attributable to another RIC
Restricted track availability	Defective wagon/carriage	Defective locomotive	Construction work
Level crossing failure	Train configuration deviates from request	Defective wagon/carriage	Train inspection
Defective control and safety technology	Miscellaneous	Deviation from timetable data	Article 51 of the Level Crossing Regulation (<i>EisbKrV 2012</i>)
Defective interlocking			
Electrical power supply disruption			
Lubrication			
Telecommunications disruption			
Miscellaneous			

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4.5.5. Recording of significant minute-based delays

Significant minute-based delays attributable to the RU are recorded on a special account (*Verspätungsminutenkonto EVU*) maintained by GKB-Infrastruktur for every RU. The significant minute-based delays attributable to GKB-Infrastruktur are recorded on a special account (*Verspätungskonto GKB-Infrastruktur*) also maintained by GKB-Infrastruktur, one such account for each RU which uses the tracks of GKB-Infrastruktur. GKB-Infrastruktur uses these various accounts to record the minute-based delays and the relevant causes of the delays.

4.5.6. Calculation of payments

At the end of every month, GKB-Infrastruktur calculates the balances of the significant minute-based delays on the relevant accounts.

The calculation of the payments is such that the total of the significant minute-based delays on the account of GKB-Infrastruktur and the total of the significant minute-based delays on the account of the RU at the end of the monthly period are multiplied by the amount in Euro defined in the remuneration table. The amount in Euro resulting from the total of the significant minute-based delays on the relevant account for the RU (*Verspätungsminutenkonto EVU*) represents the performance-based incentive payment owed by the RU to GKB-Infrastruktur. The amount in Euro resulting from the total of the significant minute-based delays on the relevant account for the RU (*Verspätungskonto GKB-Infrastruktur*) represents the performance-based incentive payment owed by GKB-Infrastruktur to the relevant RU.

The resulting performance-based incentive payments are netted for every RU.

GKB-Infrastruktur advises the RU of the results of the netting procedure, even if this is zero, in addition to minute-based delays recorded on the account and the causes therefor, by no later than the 15th of the following month. GKB-Infrastruktur or the RU shall have the right to receive payment from the respective other contractual party in the amount of the positive balance, which shall fall due on the same day that the statement regarding the netting is received. The relevant accounts are netted to zero at the beginning of every monthly period.

4.5.7. Complaints procedure

In the event that the RU is of the opinion that the amount of the incentive payment is not correct, then a complaint is to be lodged with GKB-Infrastruktur in writing, including an explanation of the grounds for the complaint, within a period of one month from the receipt of the notification of the monthly netting procedure undertaken by GKB-Infrastruktur. No complaints shall be asserted after this deadline has passed. The failure to lodge a complaint in a timely manner shall constitute approval. GKB-Infrastruktur shall be obliged to inform the RU of the non-timely nature of the complaint. In the event that the RU is of the opinion that the payment is based on an inappropriate allocation of responsibilities for delays on the part of GKB-Infrastruktur, then the former shall bear the burden of proof therefor. In the event that GKB-Infrastruktur accepts the complaint in the course of an initial internal review, then GKB-Infrastruktur shall advise the RU of the result of the revised netting procedure within a period of one month from the receipt of the complaint. Should this not be the case, GKB-Infrastruktur shall grant the RU a period of one month in which to investigate the grounds of its complaint in writing. Should these investigations lead to agreement, then GKB-Infrastruktur shall advise the RU of the result of the revised netting procedure without delay. Should no agreement be reached, then GKB-Infrastruktur shall advise the RU of the result of the rejection of the complaint without delay. Legal steps may be taken by the RU only after the complaint has been rejected.

4.6 Construction work planning

No significant restrictions in terms of the infrastructure of GKB are anticipated in the timetable year 2016/2017.

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4.7. Payment for unused track capacity

Entities entitled to track capacity shall be required to pay a fee for

- track capacity that they have requested but which has not been granted on grounds for which the respective RU is responsible, or
- allocated track capacity which has not been used or not been used to the extent agreed

in the amount of 50 % of the usage fee for the network timetable period consisting of infrastructure usage charge (*IBE-Zugfahrt*, not taking into account the relevant market segmentation) and the station-related stops.

The fee shall not be collected in the following cases:

- In case of restrictions due to *force majeure* or other events not within the sphere of responsibility of the RU.
- In the event network usage is restricted due to construction work carried out by GKB or, in the case of infrastructure intersections, by Austrian Federal Railways (ÖBB Infrastruktur AG).

5. Access to service facilities and the provision of services

The granting of access to service facilities, including access to tracks and the provision of services at these service facilities, shall be based on a written contract, with the exception of cases defined by Article 70a (5) of the Federal Railways Act, as amended. This contract shall contain all related, transparent and non-discriminatory terms and conditions relating to the administrative, technical and financial procedures associated with the granting of access to service facilities, including access to tracks and the granting of services which are provided at these facilities.

Requests for the granting of access to service facilities, including access to tracks and the granting of services which are provided at these facilities, are to addressed to GKB.

With regard to access to service facilities, including access to tracks and the granting of services which are provided at these facilities, reference is made here to the product catalogue which forms an integral element of these terms and conditions and to the standard terms and conditions of business (*AGB*) which are published on the GKB website at www.gkb.at.

Details of the relevant contact persons at GKB can be found in the product catalogue.