

Addendum to the Track Access Agreement

Performance scheme applicable as of 1 January 2023

This addendum to the Track Access Agreement is concluded between:

the infrastructure manager, Infrabel, a limited liability company under public law, Place Marcel Broodthaers 2, B-1060 Brussels – LER 0869.763.267, represented by Ms Ann Billiau, Chief Client Officer

and

the railway undertaking [NAME OF RAILWAY UNDERTAKING, ADDRESS] – registered in the CBE with the registration number [*] – represented by [NAME, POSITION].

THE FOLLOWING HAS BEEN STATED FIRST OF ALL:

The infrastructure manager and the railway undertaking concluded an agreement for the use of the railway infrastructure (hereinafter referred to as the “**Track Access Agreement**”).

The introduction of a performance scheme between the railway infrastructure manager and the railway undertakings fulfils the European obligations as stipulated in Article 35 of the EU Directive 2012/34/EU. Under the Article 23 of the Railway Codex, the performance scheme is part of the Track Access Agreement concluded between the infrastructure manager and each railway undertaking using that infrastructure.

The performance scheme applicable as of 1 January 2023 is described in appendix B.5 (version of 19 September 2022) of the network statement.

The purpose of this addendum is to obtain the railway undertaking's agreement to the performance scheme described in appendix B.5 (version of 19 September 2022) of the network statement and to agree on the payment conditions relating to this performance scheme.

IT HAS THEREFORE BEEN AGREED AS FOLLOWS:

Article 1 – Object

The purpose of this addendum is, on the one hand, to obtain the railway undertaking's agreement to the performance scheme described appendix B.5 (version of 19 September 2022 – as annexed to this addendum) of in the network statement and , on the other hand, to agree on the payment conditions relating to this performance scheme.

Article 2 – Performance scheme

The performance scheme is described in appendix B.5 (version of 19 September 2022) of the network statement.

Article 3 – Payment conditions

The report containing the results of the performance scheme shall be communicated by 31 May of year A+1 to the railway undertaking.

Any amount due under the application of the performance scheme must be paid within 30 days of receipt of the payment request.

The billing details of the infrastructure manager and the railway undertaking as well as the chosen method of payment are included in the special conditions of the Track Access Agreement.

Notification of a contestation of the results of the performance scheme shall not remove the obligation to pay the full amount due.

If the sum due is not paid in full within the time limit set, the terms and conditions set out in Article 3.4 of the Track Access Agreement shall apply.

Article 4 - Miscellaneous

In accordance with Article 9.3 of the Track Access Agreement, this addendum shall be attached to the Track Access Agreement.

Any changes to appendix B.5 (version of 19 September 2022) of the network statement will be the subject of a new addendum to the Track Access Agreement.

Article 5 - Implementation

This addendum is applicable from 1 January 2023.

[This addendum terminates and replaces the addendum “Performance scheme (PS) Bilateral model” dated xxx, which will therefore terminate on 31 December 2022, with the exception of Article 5 (payment methods) which remains in force until the obligations are fulfilled by the parties].

Done in [*], in two originals, each party acknowledging receipt of its own copy.

On behalf of Infrabel,

On behalf of the railway undertaking,