

1. Priority criteria for path allocation after the declaration of congestion (*New Path Requests*, see point 4.6.3 of the main document)

Once a section of rail infrastructure is declared congested, Infrabel allocates infrastructure capacity on this section to distribute New Path Requests based on the priority criteria described below.

1.1 Priority criteria as referred to in paragraph 1 of Article 3 of the Royal Decree of 19 July 2019 on the distribution of railway infrastructure capacities and the fee for the use of the railway infrastructure

§ 1 The priorities referred to in Article 43(1) of the Railway Codex are as follows:

On high-speed lines:

- 1° High-speed trains*
- 2° Rapid passenger trains*
- 3° Other trains*

On lines principally intended for the freight transport:

- 1° Rapid freight trains*
- 2° Slow freight trains*
- 3° Passenger trains*
- 4° Other trains*

On lines principally intended for passenger transport:

- 1° High-speed trains and rapid passenger trains*
- 2° Slow passenger trains*
- 3° Freight trains*
- 4° Other trains*

On mixed lines:

- 1° High-speed trains and rapid passenger trains*
- 2° Slow passenger trains and rapid freight trains*
- 3° Slow freight trains*
- 4° Other trains*

1.1.1 Definition of train types

Train type	Definition in the Royal Decree of 19 July 2019 (Article 2)	Clarification by Infrabel
High-speed train	<i>Any train designed for high speed, often running on dedicated lines, and consisting of specific self-propelled rolling stock.</i>	Definition that requires no further clarification by Infrabel
Rapid passenger train	<i>Any train capable of running at the speed authorised by the signalling system and with a limited number of stops on the line.</i>	The "limited number of stops on the line" is determined as follows: serving less than 3/5 of the stations and/or unguarded stopping points (PANGs) present on the line (3/5 or more = local train)
Slow passenger train	<i>Any other train than a rapid passenger train</i>	Definition that requires no further clarification by Infrabel
Rapid freight train	<i>Any freight train capable of running at a speed equal to or greater than 100 km/h.</i>	Definition that requires no further clarification by Infrabel
Slow freight train	<i>Any other train than a rapid freight train</i>	Definition that requires no further clarification by Infrabel
Other trains	<i>Any service or work train</i>	Any train not covered by the above train types (e.g. empty runs)

1.1.2 Specialisation of lines by type of transport on the Infrabel network

Infrabel has identified the following lines, by line type:

Line specialisation based on type of transport (classification of Article 3 of the Royal Decree of 19 July 2019)	Specialised lines on the Infrabel network
High-speed lines	L1, L2, L3 et L4
Lines principally intended for passenger transport	/
Lines principally intended for freight transport	L.24 : Y.Glons - Montzen-border L.147 : Auvelais - Fleurus L.165 : Bertrix - Y.Aubange L.165/1 : Y.Aubange - Rodange (LU) L.165/2 : Y.Aubange - Mont-Saint-Martin (F) L.166 : Y.Neffe - Bertrix
Mixed lines	The other lines of the Belgian railway infrastructure

1.2 Priority criteria as referred to in paragraph 2 of Article 3 of the Royal Decree of 19 July 2019 on the distribution of railway infrastructure capacities and the fee for the use of the railway infrastructure

§ 2. Where the application of the priority criteria referred to in the first paragraph does not allow a capacity to be allocated to one applicant rather than another, the railway infrastructure manager shall allocate the capacity to the applicant whose **capacity request produces the highest monthly total user charge on the total requested route** over the national railway infrastructure.

Elements of Article 3(2) of the Royal Decree of 19 July 2019	Clarification by Infrabel
Capacity request	<p>Infrabel calculates the charge for the capacity request on the basis of a path it creates that corresponds to this capacity request (i.e. possibly corrected in function of the infrastructure and recalculated running times).</p> <p>All days corresponding to the capacity request are taken into account, even if they do not all compete with the other request.</p> <p>For example, if a capacity request for R1 (Monday) conflicts with a capacity request N67 (Monday to Friday), the conflict concerns only one day (in this case, Monday). In its calculation, Infrabel takes into account one day in the case of the R1 capacity request and five days in the case of the N67 capacity request.</p>
The highest monthly total user charge	<p>To avoid a newcomer systematically losing priority through the application of this criterion, Infrabel determines this amount on the basis of an estimated charge for the timetable to which the capacity request relates.</p> <p>The calculation is based on the estimated charge for the timetable based on the definition of "capacity request" divided by 12.</p>
The total requested route	<p>Only the route related to the requested capacity is considered. In this case, the associated empty runs and equilibrium runs are not taken into account.</p>

1.3 Special case of multiple requests

If a request for a New Path Request competes with other requests for New Path Requests on different sections of the infrastructure, Infrabel applies the above criteria sequentially. The criterion referred to in Article 3, second paragraph, of the Royal Decree of 19 July 2019 is thus used to resolve conflicts that could not be resolved by applying the first criterion. In this case, Infrabel will allocate capacity to the applicants whose capacity requests generate the highest total monthly user charge for the total requested route on the national railway infrastructure.

2. Imposing the waiver of a train path on congested infrastructure (see point 4.6.3 of the main document)

The provisions of Article 43(2) and (3) of the Railway Codex specify the following:

- *Paragraph 2: The infrastructure manager shall specify in the network statement how it will take account of **previous levels of use of train paths** in determining the priority rules to be applied in the allocation process.*
- *Paragraph 3: The infrastructure manager shall impose the waiver of a train path whose use over a period of at least one month is below a certain threshold included in the network statement, unless such under-use would be due to reasons other than economic ones and beyond the control of the applicant concerned.*

The provisions of Article 43(2) and (3) of the Railway Codex shall apply, in case of congested infrastructure:

- even before using the priority criteria in Part 1 of this document, i.e. under the New Path Requests procedure
- during the year.

2.1 Application under the New Path Requests procedure

Before applying the priority criteria mentioned in point 1 of this document, it is advisable to exclude, where appropriate, from the competing capacity requests of New Path Requests, the requests of applicants for whom the utilisation rate of the train paths would be lower than the threshold determined by Infrabel; this allows - in certain circumstances - conflicts to be resolved without even having to apply the priority criteria mentioned above.

Element of Article 3(2) of the Royal Decree of 19 July 2019	Clarification by Infrabel
Previous levels of use of train paths	<p>Infrabel applies this criterion only when competing requests for New Path Requests, which could not be resolved through the coordination procedure, are submitted by applicants to whom train paths were allocated for the timetable preceding the timetable in which the competing requests for New Path Requests are submitted.</p> <p>Essentially, this criterion cannot be applied to a new applicant and therefore cannot be used to distinguish between competing requests from an applicant with a history of network use and a new applicant for whom no such data exists.</p> <p>The path use rate determined by Infrabel is 80% (i.e. the percentage of effective use of planned paths). It applies to all train paths allocated to the applicant for the timetable preceding that in which the competing New Path Requests were submitted.</p> <p>For example, if competing requests for New Path Requests are submitted in 2023 - de facto for the 2024 timetable - Infrabel will</p>

	<p>analyse the effective use of all train paths allocated for the 2022 timetable to the applicants who submitted such requests.</p> <p>If an applicant is found to have used less than 80% of its train paths during the above period, its application will be excluded immediately.</p>
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2.2 Application during the year

This provision of the Railway Codex may also apply during the year:

- to a section that has been declared congested as a result of an anticipated capacity shortage;
- or to a section that has been declared congested under the New Path Requests procedure, from the time the allocation of train paths referred to in point 1 of this document has taken place and those train paths are put into use.

Element of Article 3(2) of the Royal Decree of 19 July 2019	Clarification by Infrabel
Previous levels of use of train paths	If Infrabel determines, on an infrastructure section that has been declared congested, that an applicant has not used 80% of the train paths during the previous month, Infrabel will impose that the applicant waives this train path for the rest of the timetable , unless this under-use is due to reasons other than economic ones beyond the control of the applicant concerned.

3. Congested infrastructure

At present, no section of Belgium's railway infrastructure has been declared congested.