

**REGULATIONS FOR PROVIDING ACCESS TO THE RAILWAY SIDING
OF SLASKIE CENTRUM LOGISTYKI S.A. - PORT IN GLIWICE ON THE INFRASTRUCTURE TERMS**

28 Portowa Street, 44-100 Gliwice

Regulations are effective from: 16/01/2024

§1

PURPOSE AND SCOPE

1.1 Regulations for providing access to the railway siding of Slaskie Centrum Logistyki S.A. - Port has been developed to:

- (a) determine the terms and conditions under which the siding Administrator shall make railway infrastructure,
- (b) define the obligations to be fulfilled by the Applicant's employees,
- (c) determine the conditions to be met by the Carrier's rolling stock performing shunting operations on the Administrator's siding,
- d) determine the principles of mutual settlements for making the railway infrastructure available to the Administrator,
- (e) define the rules for dealing with railway accidents or incidents during shunting operations on the Administrator's siding.

1.2 Regulations were prepared by Slaskie Centrum Logistyki S.A. on the basis of article 36f, paragraph 1 of the Railway Transport Act of 28th March 2003, as amended.

1.3 The Regulations are adopted for application by an order of the Management Board of Slaskie Centrum Logistyki S.A.

1.4 This document is a description of the service infrastructure facility within the meaning of Regulation EC 2017/2177, as amended.

§2

RESPONSIBILITY

2.1 The application of these Regulations is the responsibility of the designated employees of the departments responsible for the operation and maintenance of the siding. Submitting an application to use the service infrastructure facility is tantamount to reading and accepting these Regulations by the Applicant.

§3

RELATED DOCUMENTS

The regulations for providing access to the railway siding have been developed on the basis of the applicable legislation on the rules of railway traffic in the area of the infrastructure facilities.

§4 APPENDICES

Appendix 1 List of the infrastructure facilities on the SCL S.A. - Port railway siding.

Appendix 2 List of the Administrator's Internal Rules

Appendix 3 Pricelist of access to Slaskie Centrum Logistyki Railway Infrastructure

Appendix 4 List of Slaskie Centrum Logistyki S.A. contact persons

Appendix 5 Application for allocation of capacity for the purpose of: entry or exit to/from a
infrastructure, parking of railway vehicle sets on a railway siding Śląskie Centrum Logistyki S.A. -
Port

Appendix 6 Refusal of access to the infrastructure facility located on the siding of Slaskie Centrum
Logistyki S.A. – Port

Appendix 7 Current Administrator's railway siding safety certificate

§5 ABBREVIATIONS AND DEFINITIONS

5.1 Abbreviations used for the purposes of this document:

Administrator - Śląskie Centrum Logistyki S. A., Portowa Street no. 28, 44-100 Gliwice

Railway Transport Act - Act of 28th March 2003 (unified text Journal of Laws 2003 No. 86, item 789
as amended)

Regulations - Regulations for making the railway siding Śląskie Centrum Logistyki S.A. - Port in
Gliwice accessible

SCL - Slaskie Centrum Logistyki S.A., Portowa Street no. 28, 44-100 Gliwice

Siding - railway siding of Slaskie Centrum Logistyki S.A. - Port in Gliwice

5.2 Definitions of terms used for the purposes of this document:

Administrator - an entity responsible for managing the service infrastructure or in the case of
construction of new infrastructure, the entity that started its construction as an investor;

Applicant – an entity interested in obtaining capacity on Slaskie Centrum Logistyki S.A. - Port in
Gliwice railway siding;

Applicant's employees - the Applicant's employees who perform the object of the contract
for the provision of a railway siding;

Capacity - the ability of a railway route to carry out either train movements or shunting on it within
a specified time;

Description of the service facility - means the data in the Register of Railway Infrastructure Objects
RINF that specifies the detailed information necessary to gain access to the service facilities and
railway-related services;

Employees of the Administrator - employees of SCL and other persons performing the subject of
the agreement for the provision of a railway siding;

Freight terminal - a building or group of buildings covering a rail road, equipped with loading facilities, enabling the loading or unloading of wagons or the integration of different modes of transport for the carriage of goods;

Own-account supply – means a situation where a railway undertaking provides itself a railway-related service on the premises of a service infrastructure operator, provided that access and use of the facility by that railway undertaking for the purpose of providing own-account services is legally and technically possible, does not pose a threat to the security of operations, and the operator of the service facility in question offers such a possibility;

Provision - the processing of requests for capacity, the allocation of capacity, the enabling of capacity and the enabling of other services as set out in Schedule 1 to the Act, as amended;

Railway accident - means cases of specific events (incidents, accidents) within the meaning of the regulations of the Regulation of the Minister of Infrastructure and Construction on serious accidents, incidents and accidents in rail transport (Journal of Laws 2016, item 369, as amended);

Railway area - the area of land defined by the registered parcels of land on which the railway road, buildings, structures, equipment intended for the management of the operation and maintenance of the railway line and for the transport of persons and goods;

Railway Carrier - an undertaking authorised under a licence to provide rail transport or traction service;

Railway line - a railway road having a beginning and an end, together with an adjacent strip of land, comprising sections of line, as well as buildings, structures and equipment intended to carry out railway traffic, together with the land occupied for them;

Railway road - the railway surface together with the substructure and engineering structures and the ground on which it is situated;

Railway siding - a railway route, designated by the infrastructure Administrator, connected directly or indirectly to the railway line and used for loading, maintenance or parking of railway vehicles or for the movement and movement of railway vehicles on the railway network;

Railway siding work regulations - Railway siding work regulations Śląskie Centrum Logistyki S.A. - Port in Gliwice;

Railway station - a track system interconnected by a turnout with signalling and communication facilities, comprising at least a main track and an auxiliary main track to allow trains to start and finish, cross and overtake as well as change of consist or direction;

Railway vehicle - a vehicle adapted to move on its own wheels on railway tracks with or without propulsion;

Rolling stock - wagons, locomotives or auxiliary vehicles;

Service facility - a building facility, together with the land on which it is situated and the installations and equipment, intended wholly or partly for the provision of one or more of the services referred to in paragraphs 2 and 3 of Appendix 2 to the Act, as amended;

Shunting formation - Rolling stock coupled to a traction vehicle used for shunting. The traction vehicle may be in front of, behind or between the rolling stock;

Shunting work - all movements of rolling stock and related activities performed on sidings with the exception of train entry and exit. Shunting from one track to another of a depot standing on a siding track, as well as moving it into position (reversing, pushing) after stopping on the track to which it has been taken, shall be considered as shunting;

Train - a railway vehicle or a set of railway vehicles that fulfils the requirements defined for a train and to which the Infrastructure Administrator has granted train status.

§6

IMPLEMENTATION OF RELEASE

6.1 GENERAL PROVISIONS

6.1.1 A railway siding is a railway road and the land occupied by it, designated by the Administrator and connected to the railway line, which is used for loading or unloading of wagons and for the maintenance of railway vehicles. A siding also includes railway traffic control devices related to railway traffic safety and other technical and technological equipment located thereon.

6.1.2 Railway infrastructure elements of a siding are permanently located (fixed) facilities and structures intended for rail traffic operation (tracks, turnouts, engineering structures, road surface).

6.2 RAILWAY SIDING ADMINISTRATOR

6.2.1 On the basis of a resolution of the Company's Management Board, Slaskie Centrum Logistyki S.A. is active in the field of railway infrastructure management.

6.3 PURPOSE OF ACCESSIBLE INFRASTRUCTURE

6.3.1 The Siding is a normal-gauge siding - the nominal track gauge is 1435 mm. The siding infrastructure is designed for:

- (a) acceptance of individual wagons or groups of loaded or empty wagons,
- (b) carry out loading and unloading operations,
- (c) setting out of single wagons or groups of loaded or empty wagons,
- (d) making tracks available for wagon parking,
- (e) making tracks available and performing shunting,
- (f) storage of goods in the yard.

6.4 USE, DISTRIBUTION, UPDATING AND COMMENTING THE REGULATIONS FOR PROVIDING ACCESS TO THE RAILWAY SIDING

6.4.1 The Regulations consist of a descriptive section and appendices as described in §4.

6.4.2 The current and binding version of the Regulations is available on the website: <https://scl.com.pl> in the bookmark „Railway siding”.

6.4.3 Draft amendments and updates to the Regulations will be announced on the website: <https://scl.com.pl> a minimum of 14 days before the amendments and updates come into force.

6.5 DETAILED DESCRIPTION OF THE SIDING MANAGED BY SLASKIE CENTRUM LOGISTYKI S.A.

6.5.1 The SCL siding branches off at km 3.324 of railway line no. 167 Szobiszowice - Gliwice Port; in track no. 1 of Gliwice Port station, turnout 25. The start of the siding is established:

- km 3.809/0.00 of shunting area II, station track No. 1P, siding entrance gate (maintenance boundary);
- km 3.749/0.00 of shunting area III, station track No. 4P, siding entrance gate (maintenance boundary);
- km 3.701/0.00 of shunting area I, station track No. 5P, siding entrance gate (maintenance boundary);

6.6 RESTRICTIONS ON THE USE OF INFRASTRUCTURE

6.6.1 Access to the SCL siding is restricted for railway vehicles:

- a) powered by electric traction,
- b) exceeding the permissible axle loads per rail and per linear metre of track laid down in the Railway Siding Operating Regulations,
- c) carrying dangerous substances classified in accordance with the RID convention,
- d) the inoperative locomotives parking,
- e) transporting oversize shipments.

6.6.2 Access to the Siding may be restricted in the event of fortuitous events such as a strike, blockade of a crossing, demonstration, weather conditions, in the event of an order for a state of emergency and force majeure.

6.7 TERMS AND CONDITIONS FOR USING ACCESS TO THE SIDING RAILWAY INFRASTRUCTURE

6.7.1 RULES, INSTRUCTIONS, REGULATIONS

6.7.1.1 The Siding shall have its own instructions, a list of which is set out in Appendix 2 of these Regulations.

6.7.1.2 A detailed description of the rules for carrying out safe work on the track layout of the Siding is contained in the Railway Siding Operating Regulations and made available to Applicants.

6.8 THE WORK CONDITIONS OF CARRIER'S EMPLOYEES FOR SHUNTING

6.8.1 Employees working in positions directly related to the operation of railway traffic on the Siding and driving railway vehicles must meet all the conditions specified in the current Regulation of the Minister of Infrastructure on employees working in positions directly related to the operation and safety of railway traffic and driving certain types of railway vehicles.

6.8.2 Before carrying out shunting work on the Administrator's siding, the Carrier's employees must get acquainted with the instruction in local knowledge in accordance with the rules and regulations in force at the Administrator, which the Administrator will make available after accepting the capacity.

6.8.3 The training shall precede the entry onto the Administrator's infrastructure.

6.9 ROLLING STOCK

6.9.1 Railway vehicles meeting all technical conditions of operation specified in regulations issued on the basis of the Railway Transport Act are allowed to run on Siding.

6.9.2 Railway vehicles admitted to traffic on the siding must meet all conditions ensuring the safety of railway traffic, safe operation and protection of the environment specified in regulations issued on the basis of the Railway Transport Act.

6.10 REQUIREMENTS FOR RADIOTELEPHONE NETWORKS

6.10.1 All types of radio equipment must:

- a) have a current type-approval certificate,
- b) not cause interference to other radio communications networks operating in the SCL area.

6.10.2 The Carrier must strictly comply with all rules and regulations in force in this respect with particular reference to the Telecommunications Act and the SCLRT-1 Train, Shunting, Road Radio Manual.

6.11 ENVIRONMENTAL PROTECTION REQUIREMENTS

6.11.1 The Applicant using the provided railway infrastructure shall not emit hazardous substances into water, ground or air which may cause the applicable standards to be exceeded - Article 174(1) of the Environmental Protection Act, as amended.

6.11.2 The Applicant is obliged to remove all waste resulting from the movement of railway vehicles, such as rubbish and consumables.

6.12 TRAFFIC ORGANISATION

6.12.1 The Administrator of the siding performs railway maneuvers with his own traction vehicle along with the staff for the needs of servicing the service infrastructure facility and when providing services for his own needs on the private railway infrastructure, the entrance to which requires the use of the manager's publicly available infrastructure.

6.13 REGULATIONS FOR GRANTING ACCESS TO THE SIDING

6.13.1 SUBMISSION AND PROCESSING OF APPLICATIONS

6.13.1.1 The request for access to railway infrastructure shall be sent by Applicant to the following email address: bocznic@scl.com.pl or bocznic.stellantis@scl.com.pl.

6.13.1.2 Applicant shall make the request in writing. As far as parking, one request corresponds to one wagon group for the date indicated.

6.13.1.3 The proposal should include:

- a) identification of the Infrastructure Administrator to whom it is addressed,
- b) company, registered office (address) of the Applicant, telephone,
- c) precise data about the capacity requested by the Applicant, including quantity of wagons and length of train set,
- d) desired date of access, journey times (departure/arrival times from and to the siding),
- e) other information which the Applicant deems relevant to the contract.

6.13.1.4 In addition, the Applicant shall attach to the application:

- a) a certified 'true to the original' copy of a valid licence (refers to the Carrier), together with a statement that they will keep you informed of any revocation or changes to the licence,
- b) a certified 'true to the original' copy of a valid authorisation (refers to the Carrier),
- c) a statement that train driving will be carried out by persons holding appropriate certificates,
- d) a declaration that it has at its disposal rolling stock complying with the conditions set out in Articles 18e and 20 of the Railway Transport Act as amended,

6.13.1.5 The application along with the other documents must be sent to the email address bocznica@scl.com.pl or bocznica.stellantis@scl.com.pl at least 48 hours in advance. Administrator undertakes to respond to the request immediately after receiving the request and checking the availability of the facility. The Administrator keeps a register of applications in electronic form.

6.13.1.6 Administrator allows for the possibility of applying for the allocation of the facility's capacity without 48-hour notice, if the application does not collide with another application or does not concern the already allocated capacity.

6.13.1.7 Applications for capacity allocation are considered from Monday to Friday, between 7:00 am and 3:00 pm, except statutory holidays.

6.13.2 The Administrator will consider the application positively if there is no conflict with previously submitted applications, taking into account the capacity of the infrastructure. The Administrator shall try to ensure the best possible match between all requests and available resources and capacity in accordance with the following flowchart:

- a) Administrator will consider different options for allocating the capacity of conflicting requests for access to service facilities or the provision of services in order to maximize the use of the facility's capacity and available resources,
- b) Administrator proposes an alternative date for capacity allocation to the applicant,
- c) in the case of using the service infrastructure facility with the use of a traction vehicle and the Administrator's shunting team, the Administrator will inform about the possibility of using the facility with the use of other entities with appropriate authorizations to perform railway maneuvers,
- d) the Administrator will indicate to the applicant possible viable alternatives enabling the provision of the service in question on the basis of the data on the website: [Obiekty infrastruktury usługowej z podziałem na rodzaj świadczonych usług - Obiekty infrastruktury usługowej - Portal statystyczny UTK](#),

- e) the applicant informs the Administrator as soon as possible about the decision taken to use an alternative date for capacity allocation or to use another service facility.

6.14 PRIORITIES FOR GRANTING SIDING ACCESS

6.14.1 Administrator consideration of capacity requests shall be guided by the principle of best use of the infrastructure in terms of capacity and technical and operational parameters.

6.14.2 The Siding is open 24h when the Carrier has a suitable traction vehicle and staff, and with the consent of the Administrator. There is an opportunity to use the Administrator's traction vehicle and shunting staff from Monday to Friday, between 7:00 am and 3:00 pm or other hours by prior arrangement, except statutory holidays.

6.15 CHARGES FOR THE PROVISION OF RAILWAY INFRASTRUCTURE

6.15.1 Charges for use of provided railway infrastructure are given in the Appendix 3, that is approved by Administrator.

6.16 COMPENSATION, SETTLEMENTS FOR FAILURE TO MEET OBLIGATIONS

6.16.1 The Applicant in the event of failure to maintain the technical performance of the vehicles shall bear full responsibility for any damage caused to the railway infrastructure of the SCL and shall be obliged to reimburse the expenses incurred as a result of their removal.

6.16.2 Matters of any damage or destruction to the SCL railway infrastructure will be determined by protocol by a committee consisting of representatives of both parties concerned, with the Administrator's representative as chairman.

6.16.3 Slaskie Centrum Logistyki S.A. shall not be held financially liable for the goods in the wagons and for any damage to the goods caused during transport.

6.17 RIGHTS AND OBLIGATIONS OF THE PARTIES

6.17.1 As part of the Providing Access to the Railway Infrastructure Agreement, the SCL:

- a) shall be responsible for the condition of the elements of the railway track made available to the Applicant,
- b) shall carry out, directly organise and supervise operational activities in accordance with the provisions of the Railway Siding Operating Regulations,
- c) shall allow access to its railway area to the Applicant's employees, subject to the condition that the Applicant 's employees are familiar with the internal instructions and the Railway Siding Work Regulations,
- d) shall keep records of journeys by the Applicant 's railway vehicles (shunting depots) in the form of lists,
- e) shall immediately inform the Applicant of railway accidents directly involving their railway vehicle (shunting yard) or their employee,

f) shall immediately notify the Applicant of situations that may cause disruptions to the carriage, including in particular:

- ad hoc traffic restrictions affecting scheduled journeys,
- the occurrence of events of which the Administrator was aware but was unable to prevent, e.g. strike, blockade of passage, demonstration, force majeure,
- not to allow a railway vehicle (shunting yard) of the Applicant to pass or stop as a result of the failure of that vehicle (shunting yard) or its attendant to comply with the requirements set out in paragraph 6.8.2,

6.17.2 The SCL has the right to:

- a) to issue binding orders to the drivers of railway vehicles (shunting yards) of the Applicant in the scope of safety and traffic management on the sidings. Employees of the Administrator in charge of traffic of shunting sets are entitled to issue such traffic orders ,
- b) to carry out checks on compliance with safety regulations in the railway area, on the shunting yards and other railway vehicles of the Applicant,
- c) request explanations from the Applicant regarding the method of providing the service in cases where there is a risk of violation or threat to the safety of persons or property,

6.17.3 Under the Providing Access to the Railway Infrastructure Agreement, the Applicant:

- a) may contract another entity to carry out shunting work on the Administrator's infrastructure after prior arrangement,
- b) shall equip the Applicant 's employees participating in the transport process with all the necessary documents and utensils specified in the instructions of the Siding,
- c) the Applicant 's employees are obliged to carry such documents and instruments during the performance of the journeys,
- d) shall immediately notify the Administrator of incidents which may cause disruption to in the performance of the service,
- e) shall immediately notify the Administrator of events that may cause disruptions in the movements.

6.17.4 The Applicant, during the period of performance of the contract, has the right to abandon the ordered (contracted) provision of infrastructure and shunting work at the siding without financial consequences if they :

- inform the Administrator of the cancellation more than 36 hours in advance,
- an emergency situation has arisen, of which the SCL was immediately informed and agreed to it.

Gliwice; 02/01/2024 r.

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Administrator Signature and Stamp

Date of issuing: 02/01/2024

Issue number: 3