

## Terms & Conditions of Payment CIEBR 2019

Rail operators with access to the Betuweroute (Kijfhoek-Zevenaar railway and Havenspoorlijn) have an Access Agreement with the infrastructure operator ProRail. Upon signing that agreement, a rail operator states whether or not it wants to make use of the “Service 2a: Access to overhead line”. With that it is stating that it wants to take power from the Betuweroute overhead line. By signing the Access Agreement and contracting that service, the rail operator conforms to the following rules applied by CIEBR:

### Invoicing and tariffs

When a rail operator makes use of Service 2a on the Betuweroute for the first time, CIEBR will invoice a few months based on the figures actually realised. With monthly incidental use, an advance payment will be defined and invoiced based on the figures realised. Once the rail operator has been operating on the Betuweroute for a number of months, the advance payment will be evaluated every quarter whether the advance payment needs to be adjusted. With irregular use (i.e. not monthly) of the Betuweroute, CIEBR will continue invoicing based on figures realised.

The tariffs for 2019 are:

**Peak: € 58,33 per MWh**

**Off-peak: € 44,88 per MWh**

These tariffs include the surcharge of € 0,49 MWh for greening and are exclusive of EB, ODE and VAT. As a non-member of CIEBR, a rail operator pays a **surcharge of € 13,= per MWh** in addition to power consumption. That surcharge is made up of administration expenses, costs to cover credit risks and the bank guarantee facility.

Besides their power consumption, members of CIEBR pay a contribution of € 3,500,= per annum, but do not pay the surcharge mentioned above. If a rail operator wants to make regular use of the Betuweroute with electric traction, it is more advantageous to become a member of CIEBR. Members have the additional advantage that they can exert influence on the decision-making within the Association through the General Members’ Meetings.

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Invoices must be paid within one month. If such payments due are not remitted or not remitted on time or in full, the statutory commercial interest pursuant to Article 6:119a of the Dutch Civil Code (BW) is also due on the amount owed with effect from the day subsequent to the day on which payment should have taken place.

Should a rail operator fail to live up to its payment obligations despite repeated warnings, CIEBR will hand over the collection of the open invoices to a debt collection agency. The rail operator then pays at least the extra costs ensuing from this manner of collection. In addition, the board of CIEBR will inform the infrastructure operator that the rail operator concerned is not complying with the rules applied by CIEBR and thus not acting in accordance with the Betuweroute Access Agreement entered into by the rail operator.

### **Final statement**

At the end of the year, the advances paid will be set off against the actual consumption. The total consumption realised on the Betuweroute will be allocated to the users with the help of a calculation model approved by the General Members' Meeting of CIEBR. That allocation takes place based on the realisation data given by ProRail to CIEBR (based on Quo Vadis data and the schedule actually realised). The final statement will be drawn up for the financial year concerned with the annual price in Euros per kWh established by the auditor.

### **Direct debit**

To simplify the payment of invoices/advances, CIEBR will work with direct debit.

### **Administrative support CIEBR**

CIEBR has an agreement with Hellemans Consultancy for the execution of the financial administration. Hellemans Consultancy takes care of the invoicing and the administration of the energy consumption, they make forecasts of the energy consumption and conduct the negotiations for the purchase of the electricity. They will send you the invoices and are also your point of contact for questions about invoicing and energy consumption.

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