

PKP POLSKIE LINIE KOLEJOWE S.A.

Procedure: Admission of products, which are not subject to authorization of the President of the Rail Transport Office, to placing in service on railway lines managed by PKP Polskie Linie Kolejowe S.A.	Procedure no.: SMS-PW-17
	Issue date: April 10, 2013
	Version: 1

**ADMISSION OF PRODUCTS, WHICH ARE NOT SUBJECT TO
AUTHORIZATION OF THE PRESIDENT OF THE RAIL TRANSPORT
OFFICE, TO PLACING IN SERVICE ON RAILWAY LINES MANAGED BY
PKP POLSKIE LINIE KOLEJOWE S.A.**

Michał Zięcina	Włodzimierz Kiełczyński		Andrzej Pawłowski	
Compiled	Verified	Date and signature	Approved	Date and signature

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Chapter 1 Purpose and scope of the procedure

§ 1.

The purpose of this procedure is to formulate rules of admitting products, which are not subject to approval of the President of the Rail Transport Office, to placing in service on railway lines managed by PKP PLK S.A.

§ 2.

1. The procedure refers to products, which are not subject to approval of the President of the Rail Transport Office but can have a direct or indirect influence on railway traffic safety, inclusive of products (such as substitutes of spare parts) evaluated by the Rail Transport Office as not requiring a certificate of admission to placing in service.
2. Annex I describes the open list of products which this procedure refers to. This list is regularly updated by the Safety Office of the Company's Headquarters based on applications from Departments (modification of the list does change the procedure).
3. This procedure refers to all organization units of the Company.

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Chapter 2 Definitions of terms used in the procedure

§ 3.

1. Department – a substantial Department of the PKP Polskie Linie Kolejowe S.A.'s Headquarters.
2. Member of the Management Board – the Management Board Member of PKP Polskie Linie Kolejowe S.A. in charge of the Department as per the valid PKP Polskie Linie Kolejowe S.A. Management Board's Resolution concerning subordination of the Company Headquarters organizational units to individual PKP Polskie Linie Kolejowe S.A.'s Management Board Members.
3. Research entity – an authorized unit entered on the list published on the resolution basis of the Minister responsible for transport issued pursuant to Article 23, paragraph 7 of Railway Transport Act of March 28, 2003 (Journal of Acts of 2003, No. 86, item 789 as amended).
4. Product – system, device, product, technology or method.
5. Company – PKP Polskie Linie Kolejowe S.A.
6. UTK – Rail Transport Office.
7. Applicant – manufacturer, distributor, importer, contractor or other entity (in case of automatics, manufacturer or manufacturer's authorized representative having a seat in Poland may be the applicant).
8. Conditions – conditions for placing in service of products on railway lines managed by PKP Polskie Linie Kolejowe S.A. (including a kind or type of product).

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Chapter 3 Related documents

§ 4.

Documents related to this procedure are as follows:

- 1) Act of March 28, 2003 on railway transport (Journal of Acts of 2007, No. 16, item 94 as amended);
- 2) Act of July 7, 1994 Construction Law (Journal of Acts of 2010, No. 243, item 1623 as amended);
- 3) Act of January 29, 2004 Public Procurement Law (Journal of Acts of 2010, No. 113, item 759 as amended);
- 4) Regulation of the Minister of Transport and Maritime Economy of September 10, 1998 concerning technical conditions for railway constructions and their location (Journal of Acts of 1998, No. 151, item 987);
- 5) Regulation of the Minister of Transport, Construction and Maritime Economy of August 7, 2012 on the register of construction types used to manage railway traffic, types of equipment used to manage railway traffic, and types of railway vehicles which are certified for placing in service of the type (Journal of Acts of 2012, item 911);
- 6) Regulation of the Minister of Transport, Construction and Maritime Economy of August 7, 2012 on certificates for placing in service of the type (Journal of Acts of 2012, item 919);
- 7) Regulation of the Minister of Transport, Construction and Maritime Economy of August 7, 2012 on the range of necessary tests in order to obtain a certificate for placing in service of the construction type used to manage railway traffic, certificate for placing in service of the equipment type used to manage railway traffic, and certificate for placing in service of the type of a railway vehicle (Journal of Acts of 2012, item 918);
- 8) Regulation of the Minister of Transport, Construction and Maritime Economy February 26, 1996 concerning technical conditions for level crossings and their location (Journal of Acts of 1996, No. 33, item 144 as amended);
- 9) Commission Regulation (EC) No. 352/2009 of April 24, 2009 on the adoption of a common safety method on risk evaluation and assessment as referred

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to in Article 6(3)(a) of Directive 2004/49/EC of the European Parliament and of the Council;

- 10) Standard PN-EN 50126:2002 „Railway applications – Specification of reliability, availability, maintainability and safety”;
- 11) Organizational Regulations of PKP Polskie Linie Kolejowe S.A. – Annex to Act No. 429/2009 of the PKP Polskie Linie Kolejowe S.A.’s Management Board Members of October 22, 2009 (as amended);
- 12) Organizational Regulations of PKP Polskie Linie Kolejowe S.A.’s Headquarters – Annex to Act No. 243/2013 of the PKP Polskie Linie Kolejowe S.A.’s Management Board Members of March 19, 2013;
- 13) Frame Organizational Regulations of PKP Polskie Linie Kolejowe S.A.’s Railway Lines Establishments – Annex to Act No. 486/2009 of the PKP Polskie Linie Kolejowe S.A.’s Management Board Members of November 10, 2009 (as amended);
- 14) Regulations for granting orders by PKP Polskie Linie Kolejowe S.A. for deliveries, services, construction works as stipulated in Annex III 3 to Corporate Purchasing Policy of PKP Polskie Linie Kolejowe S.A.;
- 15) Technical conditions, technical standards, guidelines and other rules adopted by the Company which refer to the requirements for products.

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Chapter 4 Range of responsibility

§ 5.

<i>No.</i>	<i>Position</i>	<i>Symbol</i>	<i>Range of responsibility</i>
1	2	3	
1.	Company Management Board Member		1) Issuing Conditions by Decision for placing products in service on railway lines managed by the Company for the product (of type or kind); 2) Issuing Admission by Decision for placing in service on railway lines managed by the Company for the product; 3) Suspension of Admission by Decision for placing in service on railway lines managed by the Company for the product; 4) Revoking Admission by Decision for placing in service on railway lines managed by the Company for the product.
2.	Safety Department Director	IBR	1) Joint evaluation with the Department of the impact on the railway traffic safety when placing in service of the product; 2) Keeping the register of Applications; 3) Keeping the register of Admissions.
3.	Department Director		1) Evaluation of the product's suitability for the Company statutory operation; 2) Compilation of Conditions including: a) specification of the list with the necessary required documents in order to obtain the admission,

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No.	Position	Symbol	Range of responsibility
1	2	3	
			b) acceptance/specification/approval of product parameters and their limit values, c) appointment of research entities, d) specification/settlement of the research and tests extent necessary to evaluate parameters, e) specification/settlement of the requirement for field research, operation tests or supervised operation as well as their extent and time, f) designation of location for field research, operation test or supervised operation, g) designation of admission's validity, h) specification of the supervision/control plan (optional), i) definition of proceeding in case of suspension/revoke of admission, 3) Preparation of Decision draft on admission of the product to placing in service; 4) Providing the Applicant with the Admission; 5) Providing the Safety Department with a copy of the Admission; 6) Preparation of the application and Decision draft on a suspension of the Admission.
4.	Railway Lines Establishment Director	IŻ	1) Conclusion of the Three-Party Agreement on sharing the research training ground; 2) Providing the Safety Department with a copy of the Three-Party Agreement and the

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<i>No.</i>	<i>Position</i>	<i>Symbol</i>	<i>Range of responsibility</i>
	1	2	3
			competent UTK's Local Branch with the information; 3) Continuous supervision/control of the product consistent with the specified plan.

Chapter 5 Procedure specification

§ 6.

Initial assessment

1. Declaration of the willingness to apply for admission to placing a product in service on railway lines managed by PKP Polskie Linie Kolejowe S.A. (or inquiry about being subject to this procedure) is provided in writing by the Applicant to the Safety Department to the address of the Company's Headquarters.
2. Each written declaration, referred to in paragraph 1, shall be subject to the Department evaluation with regard to the product suitability within the statutory operation of the Company. The declaration has to contain:
 - 1) product description and its characteristics;
 - 2) purpose of the use of product;
 - 3) Technical Construction File (for products requiring a development of such documentation);
 - 4) technical conditions on the use of product – used to ensure proper operation, including in particular diagnostics, maintenance, response thresholds and appropriate countermeasures, repair.
3. The Safety Department in consultation the Department assesses the impact of the product on the railway traffic safety and then informs the Applicant on the outcome of the assessment.
4. If the assessment is found to affect the railway traffic safety (including §2 paragraph 1), the Applicant shall be provided with the relevant information and

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a list of necessary documents or Conditions, which shall be attached to the application by the Applicant provided that the latter have already been developed.

5. If the assessment is found not to affect the railway traffic safety, the Applicant shall receive the information that the product in question is not subject to this procedure. In this case, „Instruction on assessment, qualification of contractors, and admission of materials in PKP Polskie Linie Kolejowe S.A.” shall be applied, which constitutes Annex V to Corporate Purchasing Policy of PKP Polskie Linie Kolejowe S.A.
6. The list of necessary documents to be submitted by the Applicant in order to obtain admission is prepared by the Department. The list of documents is developed after receiving the first declaration of willingness to apply for admission for placing in service and provides the grounds for the list set out in Conditions.
7. In the case of application for admission of a device or system, the list of documents has to contain a risk analysis or safety evidence developed based on the initial risk evaluation and assessment. The preliminary risk evaluation and assessment should be carried out in accordance with standard PN-EN 50126:2002.
8. The list of documents shall include the requirement that the research entity opinion has to be submitted.
9. All documents shall be submitted in Polish. Copies of documents and translations have to be certified as a true copy by the Applicant.

§ 7.

Application for admission to placing a product in service on railway lines
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1. Consistent with a template form specified in Annex II, the Applicant shall submit a written application to the address of PKP Polskie Linie Kolejowe S.A. Headquarters – Safety Department.
2. When the application does not contain a set of complete required documents (exclusive of the research entity opinion at this stage), the Safety Department shall inform the Applicant about this fact in writing within 14 calendar days of the Applicant's request.
3. The Applicant, who submitted the application without all documents, shall be obliged to complete this documentation. The procedure shall be suspended until all documents are provided.
4. After receiving the complete application for admission of a given product, the Department accepts parameters and their limit values or revises them based on the analysis of the received documentation (including inter alia product parameters and their limit values) or possibly specifies additional parameters, which have to be met along with their range.
5. In specific cases, the Department may require to verify/specify parameters and/or their limit values by the research entity with respect to testing.
6. Parameters and limit values, specified in accordance with paragraph 5, shall be subject to approval by the Department.
7. The Department provides the Applicant with the information containing a list of parameters necessary to be tested in order to receive admission. Parameters and their limit values are the basis for compiling of Conditions.
8. Consistent with a template form provided in Annex III, the Safety Department shall keep a register of applications.

§ 8.

Carrying out of research/tests

1. After receiving the application for admission of a given product, the Department appoints from these research entities, whose research shall be accepted for a given type of product in accordance with the scope stipulated in Regulation, referred to in § 4 point 6, for individual research entities.
2. Compliance of parameters with requirements is subject to evaluation by the research entity. The research entity, in consultation with the Department,

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defines the scope of research and tests that are necessary to evaluate parameters as well as the need to conduct field research, operation tests, or observed operation including the extent and time of action (the research entity takes them into account providing that there have already been guidelines, rules, or conditions for admission of a given product in the Company).

3. The installation location for carrying out research and tests, described in paragraph 2, is defined by the Department.
4. The Applicant, at own cost, shall make the research entity evaluate whether values of parameters indicated by the Department are within permissible limits. The Applicant shall also bear the costs of installation and other activities necessary to complete in order to carry out research and tests including teardown costs, if applicable.
5. If it is necessary to carry out research, commissioning, or observed operation on active railway lines, the Applicant shall conclude a Three-Party Agreement with a competent Railway Lines Establishment and a research entity, which shall perform tests, in order to conduct operation tryouts and commissioning. A template form is included in Annex V.
6. The Railway Lines Establishment shall forward copies of the Agreement, referred to in paragraph 5, to the Safety Department and a copy for information to the competent UTK's Local Branch Department.
7. The research entity opinion should include:
 - 1) product description directly indicating the subject of research;
 - 2) description and a list of conducted measurements, laboratory research, tests and their results;
 - 3) evaluation of the product compliance with required parameters;
 - 4) evaluation of the possibility for placing a given product in service on the railway infrastructure;
 - 5) a statement of the immutability of the type specified in the certificate issued by the UTK's President for the system or device in the case of using a substitute of a spare part (if applicable).

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§ 9.

Issue of admission

1. The Applicant shall provide the Department with the research entity's opinion.
2. After receiving a positive opinion, the Department shall submit an application and complete documentation together with a draft of decision on admission to the competent Member of the Management Board.
3. The Member of the Management Board issues Admission by decision for placing in service on railway lines managed by PKP Polskie Linie Kolejowe S.A. for the product, hereinafter referred to as "Admission", according to the template described in Annex IV.
4. Admission is valid without time limit unless Conditions constitute otherwise.
5. The Department shall provide the Applicant with the original Admission and the Safety Department with its copy. Another copy of the Admission also remains in the Department.
6. The Safety Department shall update regularly the list of admissions by publishing them in the consolidated list on the Company's website.
7. The admission issued to the Manufacturer for the product applies to all suppliers of this product providing that they have been authorized in writing by the Manufacturer to use this Admission.
8. Admission is binding upon Applicants if they are not Manufacturers.
9. Admissions issued on the basis of the Company's previous internal rules remain valid until their expiration.

§ 10.

Suspension/revoke of admission

1. The Department, in consultation with the Railway Lines Establishment, may determine a supervision/control plan for a given product (or its first lots or initial period of service) in order to ensure monitoring of the appropriate quality of delivered products and maintenance of parameters declared by the supplier during the operation.
2. Railway Lines Establishments shall be obliged to supervise/control a given product consistent with the plan, referred to in paragraph 1.

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3. A competent Member of the Management Board may, upon the Department's request, suspend Admission for placing the product in service by decision in the case of non-compliance between product parameter values and parameters specified in the technical documentation, disclosure of hidden defects, deterioration in technical-operational parameters, or other circumstances that prevent proper operation.
4. Decision to suspend or revoke Admission defines requirements to be fulfilled before Admission is restored as well as issues relating to the application/operation of already purchased products unless they have been included in Conditions.
5. If the Applicant does not meet the conditions laid down in the decision referring to the suspension of Admission – a competent Member of the Management Board revokes Admission by decision upon the Department's request.

§ 11.

Conditions of admission for placement in service on railway lines
managed by PKP Polskie Linie Kolejowe S.A.

1. The Department, immediately after receiving the application for admission to placing a product in service on railway lines managed by PKP Polskie Linie Kolejowe S.A., develops Conditions for placing a product in service on railway lines managed by PKP Polskie Linie Kolejowe S.A. (and if possible for type or kind) which define:
 - 1) list of documents required to be submitted by the Applicant to obtain admission;
 - 2) parameters and their limit values;
 - 3) scope of research/tests confirming fulfilment of requirements and their duration;
 - 4) research entities whose research shall be accepted;
 - 5) duration of admission;
 - 6) plan of supervision / control during operation (optional);
 - 7) detailed conditions for suspension/revocation of admission (if possible to define) and handling of purchased and installed products whose admission has expired.

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2. The conditions are defined by Decision of the competent Member of the Management Board and apply to all Applicants with respect to a given product (its type or kind)
3. If there is an application for admission of a product which has not been previously in service on railway lines managed by PKP Polskie Linie Kolejowe S.A., the time for defining Conditions may be longer, however, the decision defining Conditions shall be made before the issue of admission.
4. In the case of products which admission had been initiated prior to the implementation of this procedure, the processing shall be continued based on previous regulations provided that the time-limited admission certificate is issued by the competent Member of the Management Board.

Chapter 6 Procedure flowchart

§ 12.

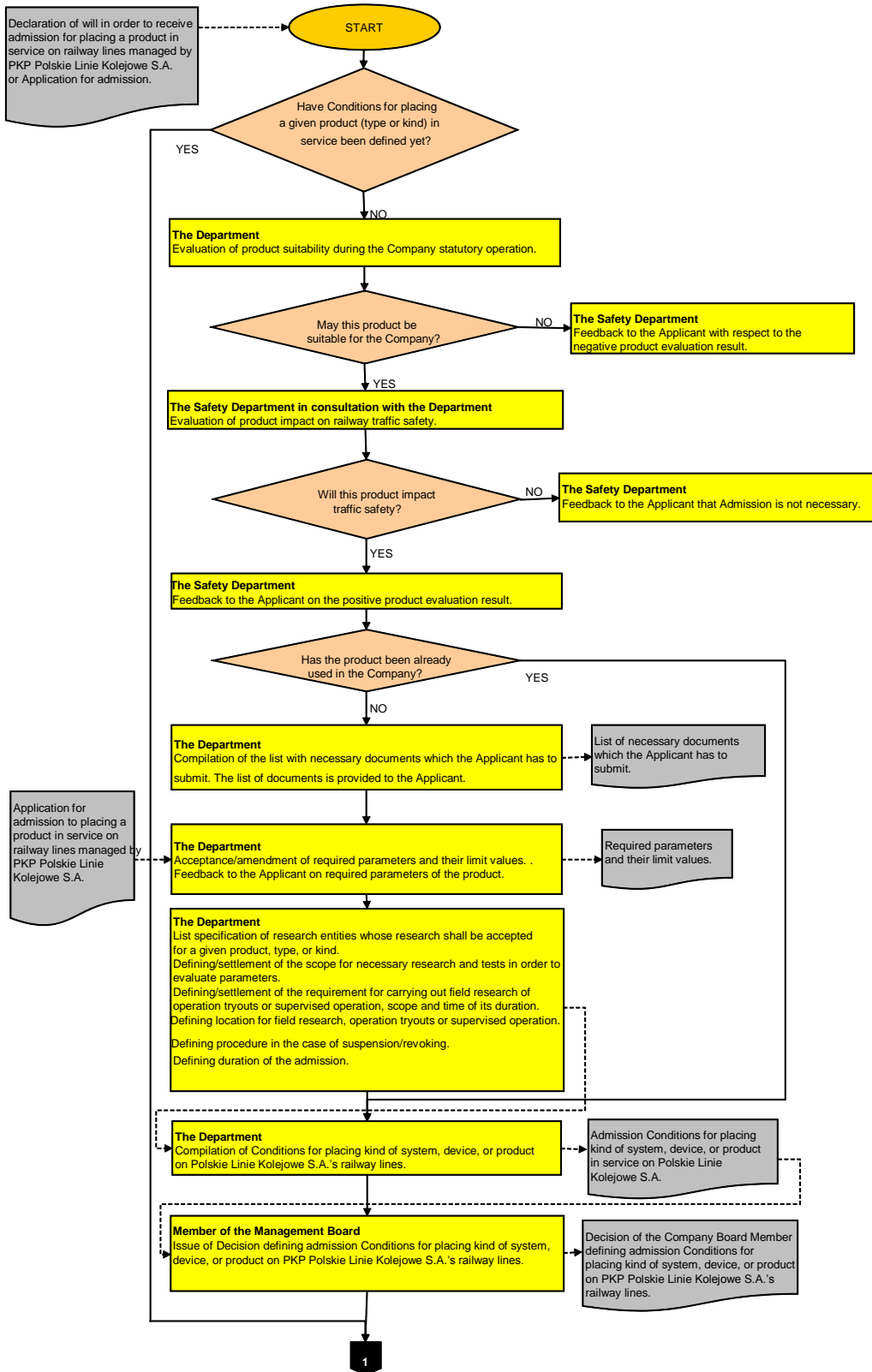
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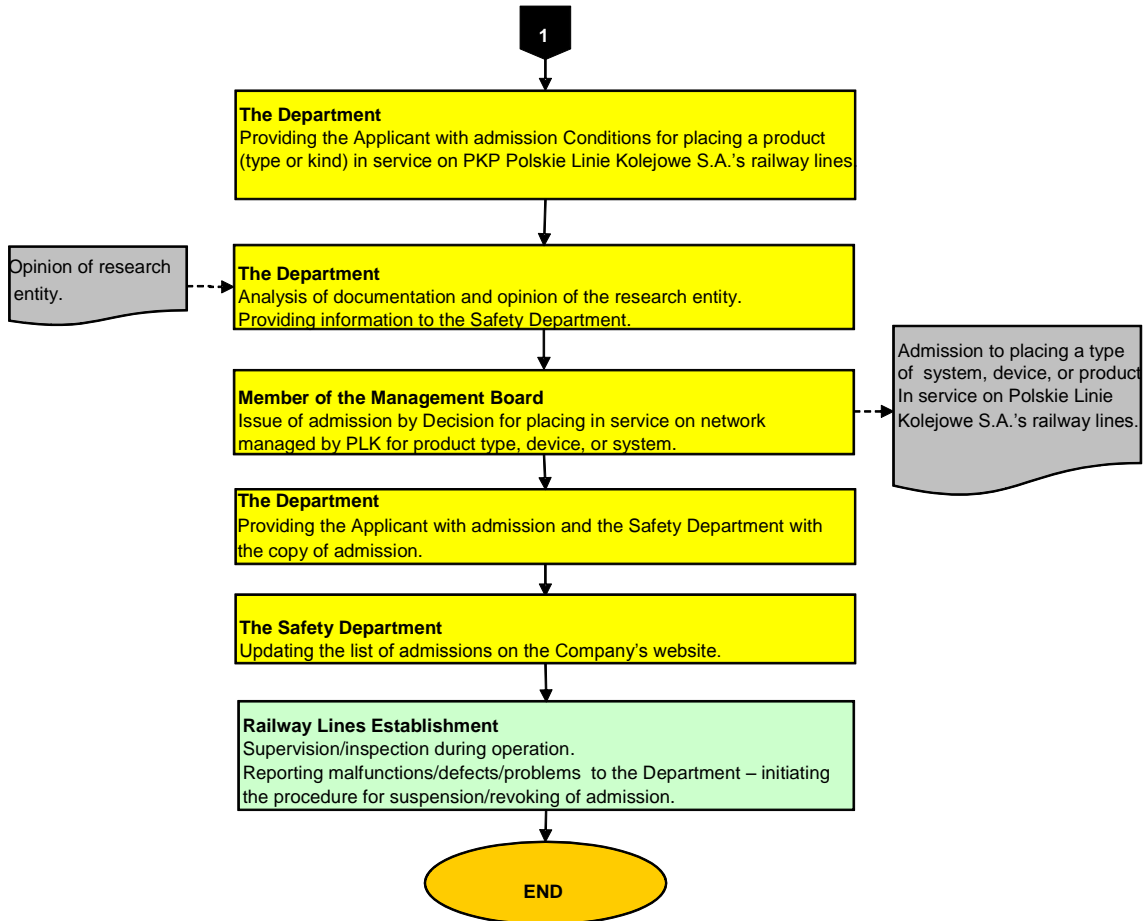
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Chapter 7 Record

1. Conditions of admission for placing product, type, or kind in service on railway lines managed by PKP Polskie Linie Kolejowe S.A.
2. Application for admission to placing in service on railway lines managed by PKP Polskie Linie Kolejowe S.A.
3. Register of applications for placing in service on railway lines managed by PKP Polskie Linie Kolejowe S.A.
4. Admission to placing in service on railway lines managed by PKP Polskie Linie Kolejowe S.A.

Chapter 8 List of Annexes

§ 13.

Annex I – Open list of products which need Admission to placing in service on railway lines managed by PKP Polskie Linie Kolejowe S.A.

Annex II – Application for admission to placing in service on railway lines managed by PKP Polskie Linie Kolejowe S.A.

Annex III – Register of applications for admission to placing in service on railway lines managed by PKP Polskie Linie Kolejowe S.A.

Annex IV – Admission to placing in service on railway lines managed by PKP Polskie Linie Kolejowe S.A.

Annex V – Agreement on carrying out operation research (template form)

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Chapter 9 List of changes

§ 14.

No.	Paragraph /point	Date	Change	Signature of a person who introduces a change
1	2	3	4	5

Non-binding translation

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ANNEX I

**Open list of products which need Admission to placing in service on railway
lines managed by PKP Polskie Linie Kolejowe S.A.**

Non-binding translation

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ANNEX II

Application for admission to placing in service on railway lines managed by PKP Polskie Linie Kolejowe S.A.

W/...../...../20.....,/...../20.....

(application no. – Department symbol/no./year; filled out by the PKP PLK S.A.'s Department)

(place)
(month/day/year)

**President of the Management Board of
PKP Polskie Linie Kolejowe S.A.**

APPLICATION FOR ADMISSION TO PLACING IN SERVICE ON RAILWAY LINES MANAGED BY PKP POLSKIE LINIE KOLEJOWE S.A.

1. Details of the Applicant's company:

a) full name of the Applicant's company:

.....
.....

b) seat address of the Applicant's company (*country, city, zip code, street, number*):

.....
.....

c) Taxpayer Identification Number (NIP).....

d) National Business Registry Number (REGON)

e) company operates as (*delete where appropriate*): manufacturer / authorized representative of the manufacturer / contractor / importer / other:

.....

f) telephone number.....

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2. Product description for placing in service (*name, type or model, technical parameters that clearly identify a product, conditions of use*):

.....
.....
.....

3. Details of the manufacturer (*if other than in point 1*):

a) full name of the manufacturer's company:

.....
.....

b) seat address of the manufacturer's company (*country, city, zip code, street, number*):

.....
.....

c) National Business Registry Number (REGON).....

4. List of documents attached to the application:

- 1)
- 2)
- 3)
- 4)
- 5)
- 6)
- 7)

.....
(signature and stamp of an authorized person to represent the Applicant)

NOTE! All pages of the application have to be initialed!

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ANNEX III**Register of applications for admission to placing in service on railway lines managed by PKP Polskie Linie Kolejowe S.A.****Register of applications for admission to placing in service on railway lines managed by PKP Polskie Linie Kolejowe S.A.**

Department

year

No.	Application number	Applicant's company name	Product description	Manufacturer's details	Evaluation of suitability (YES/NO)	Number of decision specifying Conditions	Name or research entity	Opinion of research entity (positive / negative)	Admission number	Remarks
1	2	3	4	5	6	7	8		9	10

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ANNEX IV

Admission to placing in service on railway lines managed by PKP Polskie Linie Kolejowe S.A.

D/...../...../20.....

Warsaw,...../...../20.....

(admission no. – Department symbol/no./year;
filled out by the PKP PLK S.A.'s (month/day/year)
Department)

PKP Polskie Linie Kolejowe S.A.

ADMISSION TO PLACING IN SERVICE ON RAILWAY LINES MANAGED BY PKP POLSKIE LINIE KOLEJOWE S.A. SYSTEM / EQUIPMENT / PRODUCT / TECHNOLOGY / METHOD

1. Product description for placing in service (*name, type or model, technical parameters that clearly identify a product, conditions of use*):

.....
.....

2. Details of the manufacturer:

a) full name of the manufacturer's company:

.....

b) production place (*country, city, zip code, street, number*):

.....

c) National Business Registry Number (REGON).....

3. Duration of this admission:.....

4. Applicant (if other than the manufacturer):.....

.....
(signature of the PKP Polskie Linie
Kolejowe S.A.'s Management Board Member)

PKP POLSKIE LINIE KOLEJOWE S.A.

Procedure: Admission of products, which are not subject to authorization of the President of the Rail Transport Office, to placing in service on railway lines managed by PKP Polskie Linie Kolejowe S.A.	Procedure no.: SMS-PW-17
	Issue date: April 10, 2013
	Version: 1

ANNEX V

Agreement on carrying out operation research (template form)

.....
.....

concluded onbetween:

1. The Applicant:

.....
registered in the National Court Register (KRS) under number by District Court in....., Section Business KRS, National Business Registry Number (Regon), Taxpayer Identification Number (NIP): PL, nominal capital zł, represented by:
.....
.....

2. PKP Polskie Linie Kolejowe S.A. 03-737 Warszawa, 74, Targowa St.,

registered in the KRS under numer 0000037568, Regon 017319027, NIP: PL 113-23-16-427, on behalf of which **the Railway Lines Establishment** is acting and
.....
.....
is represented by:
Lines Establishment Director.....
Deputy Director.....

3. The Research entity:

.....
registered in the KRS under numer, Regon, NIP: PL represented by:
.....
.....

PKP POLSKIE LINIE KOLEJOWE S.A.

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§ 1.

Now, therefore, the Parties of this Agreement agree to jointly carry out operation tryouts.....
.....
.....
....., built on line no., at thestation,
track no., (possibly turnout).

§ 2.

PKP Polskie Linie Kolejowe S.A. shall provide the technical infrastructure to the extent necessary to carry out the research.

§ 3.

The costs of operation research shall be borne by the Applicant on the basis of the bilateral agreement concluded with the following research entity.....
.....

§ 4.

The risk of liability for damage to Parties and third parties as a result of operation tryouts.....
..... shall be borne in its entirety by the.....Applicant, if design or construction defects are the only reason of the damage
.....

§ 5.

Based on the operation tryout results, the.....research entity shall evaluate inbuilt.....
....., referred to in §1, with respect to their further service on PKP PLK S.A.'s railway lines, and issues an opinion, which shall be the basis for the adoption of final decisions by PKP PLK S.A. The research shall be carried out in accordance with the program developed by.....
.....

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§ 6.

In the case of negative results of operation tests, the Applicant shall be obliged to cover costs of building, referred to in §1, and installation costs of new....., which have been used thus far. In such case, restoring to the condition consistent with previous requirements regarding....., involving the construction of experimental and installation of standard ones as well as receiving necessary consents and organization of possessions to make the above, shall be the Applicant's responsibility.

§ 7.

The period for carrying out operation tests, which should commence from, shall be determined by the research entity after the consultation with the competent Department.

§ 8.

On behalf of PKP PLK S.A., this Agreement shall be executed by the Railway Lines Establishment in, according to the scope of activities.

§ 9.

The Parties shall agree to use their best efforts in good faith in order to execute the provisions of this Agreement as well as strictly comply with applicable law, in particular with the act on railway transport and implementing rules thereunder.

§ 10.

Each entry of third parties to railway lines has to be proceeded by prior consent of the Railway Lines Establishment based on the following Guidelines binding in PKP PLK S.A.:

1. Guidelines for granting licenses and permits to carry out specific activities in organization units of PKP Polskie Linie Kolejowe S.A. Ir-20,

PKP POLSKIE LINIE KOLEJOWE S.A.	
Procedure: Admission of products, which are not subject to authorization of the President of the Rail Transport Office, to placing in service on railway lines managed by PKP Polskie Linie Kolejowe S.A.	Procedure no.: SMS-PW-17
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2. Guidelines on how to provide information to workers of other employers with regard to dangers to health and safety during works performed within PKP Polskie Linie Kolejowe S.A. Ibh-101.

§ 11.

This Agreement is concluded for a fixed term and shall expire upon completion of research.

§ 12.

In matters not covered by this Agreement, the provisions of the Civil Code shall be applied.

§ 13.

The Parties shall undertake to resolve in good faith any disputes arising from this Agreement. In the absence of such a possibility, the dispute shall be subject to resolution by appropriate court to the seat of PKP Polskie Linie Kolejowe S.A.

§ 14.

In witness whereof, this Agreement has been made in three counterparts on behalf of the Parties, one for each Party.

PARTIES OF THIS AGREEMENT:

1. PKP PLK S.A. Zakład Linii Kolejowych w

2. The Applicant:

3. The Research entity: