

## APPENDIX 6

### TO THE GENERAL CONTRACT OF USE FOR WAGONS

#### I. COMPENSATION FOR LOSS OF USE

The compensation payable on the basis of Articles 13.3 (loss of use due to delay) and 23.2 (loss of use due to damage) of the GCU is calculated either based on the actual damage sustained or as a flat rate, whichever the keeper decides.

##### 1. Compensation based on actual damage sustained

The keeper shall claim compensation for loss of use from the responsible RU by means of supporting documents on the basis of the damage sustained.

##### 2. Flat-rate compensation

###### 2.1 Daily rate per wagon in euros

To calculate the daily rate (in euros):

Multiply the coefficient for the relevant wagon type by the wagon's length over buffers (in metres, unrounded).

Code letters of various wagon types	Coefficient
E – Open Wagon	1.1
F – Open Wagon	1.5
G – Covered Wagon	1.1
H – Covered Wagon	1.5
I – Temperature-controlled wagon	1.4
K – Two-axle flat wagon	1.1
L – Flat wagon	1.5
O – Mixed flat open wagon	1.4
R – Bogie flat wagon	1.1
S – Bogie flat wagon	1.5
T – Wagon with opening roof	1.5
U – Special wagon	1.8
Z – Tank wagon	1.8

###### 2.2 Flat-rate compensation to be paid for loss of use arising from the period for carriage being exceeded for empty or loaded wagons

The RU responsible for a loaded or empty wagon exceeding the carriage period shall pay the keeper a flat rate of compensation in accordance with 2.1 for each indivisible day of delay (Sundays and public holidays\* not included), upon presentation by the keeper of an invoice.

For loaded wagons, this payment shall be independent of any compensation payable as a result of the loaded goods exceeding the transit period.

\* according to the country in which the vehicle is located

### **2.3 Flat-rate compensation to be paid for loss of use arising from repair work on the wagon**

The RU responsible for damaging a wagon or its accessories as per GCU Article 22 shall pay the keeper a flat rate of compensation upon presentation of an invoice in accordance with 2.1 for each indivisible (calendar) day on which the wagon is unavailable for use.

This compensation shall be calculated starting from the day following that on which the damage was first recorded (in accordance with GCU Appendix 4, Wagon damage report, "Damage detected on...") and shall end on the day on which the wagon's fitness for service is restored.

The loss-of-use period shall be suspended in the following cases:

- if the wagon is given a K label in the sense of GCU Appendix 9 and then takes more than two days to be taken to the workshop (a flat rate then applies for the time taken to reach the workshop);
- from the day the damage was recorded up to the day the goods are unloaded if the wagon has been given a K label before being forwarded;
- for the time elapsing between the request of spare parts as per Forms H and H<sup>R</sup> and the delivery of these parts (GCU Article 23.2);
- if the wagon is taken for further maintenance work at the keeper's behest;
- if the wagon is given a K label (GCU Appendix 9) and transferred between two workshops and this takes more than two days (a flat rate then applies for the time taken to reach the other workshop).

### **2.4 Miscellaneous**

The compensation payments referred to under points 2.2 and 2.3 may not be aggregated.

## **II. COMPENSATION FOR REPROFILING OF WHEELSETS**

The RU responsible for damaging a wheelset to be reprofiled shall pay the keeper upon presentation of an invoice with supporting documents a flat rate of 350 EUR for the loss of value arising as a result of reprofiling (reduction in the running-circle diameter).