

## **APPENDIX 5 TO THE GENERAL CONTRACT OF USE**

<b>CALCULATING COMPENSATION FOR A WAGON OR BOGIE IN THE EVENT OF LOSS OR DAMAGE</b>
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### **I. Compensation**

Compensation for loss or damage to a wagon is paid in line with the residual value of the wagon. The keeper decides which of the two following principles shall be applied for calculating compensation:

- A. specific residual value, justified by documentary proof of the actual damage sustained,  
or
- B. flat-rate residual value.

#### **A. Calculation of specific residual value**

The keeper shall indicate the specific residual value and provide documentary proof of that value.

#### **B. Calculation of flat-rate residual value**

##### **1. Calculation of replacement value**

The replacement value is the average value of a new, similar or comparable wagon at the time the loss or damage occurred. The keeper shall provide documentary proof of the replacement value.

##### **2. Calculation of compensation**

- 2.1 The amount to be paid as compensation as per articles 19.2 or 20.3 of the GCU is calculated in accordance with points 2.2 or 2.3 hereafter. In addition, a flat-rate sum shall be paid as per point 2.4.
- 2.2 First of all 4% per year of service (linear rate) shall be deducted from the replacement value determined in accordance with point B1, up to a maximum rate of 80% of the replacement value (compensation option 1).  
When calculating the number of years of service, the year of construction and the year when the wagon was damaged or lost are counted as a single year.
- 2.3 Should the keeper decide to keep the wagon, 10% shall be deducted from the amount to be paid as compensation calculated in accordance with point 2.2 (compensation option 2).  
When the wagon is sent back to the keeper, the keeper may invoice the liable RU for the actual transport costs thus incurred, providing documentary proof of these costs. The amount to be invoiced as transport costs may not exceed 10% of the compensation payable as per point 2.3 (option 2).
- 2.4 A flat-rate sum of € 2000 shall be added to the compensation payable as per points 2.2 or 2.3 (amount payable for calculation by the keeper of compensation for loss or damage).

## II. Compensation procedure

### 1. Loss

The keeper shall send to the RU an invoice complying with the principles laid out in point I, along with documentary proof that the wagon has been struck off the national vehicle register.

### 2. Damage

The keeper shall send to the RU an invoice complying with the principles laid out in point I.

On the invoice the keeper shall expressly state whether it wishes to transfer the wagon to the RU for scrapping or whether it wishes to keep the wagon. The RU must comply with that decision.

When the keeper has decided to transfer the wagon to the RU for scrapping, alongside the invoice it shall provide the RU with a document empowering the RU to scrap the wagon and collect any revenue arising thereby.

The RU is obliged to provide suitable documentary proof that wagon has been scrapped at the earliest possible date in order to allow the keeper to call for the wagon to be struck off the national vehicle register.

### 3. Persons acting for the parties

In this procedure the RU and keeper are represented by the individuals named in Appendix 1 to the GCU.

### 4. Customs formalities

The RU is obliged to handle any necessary customs formalities.

## III. General rules

1. The aforementioned rules also apply to bogies.

2. All other rights and duties remain unaffected.