



Innovation and Networks Executive Agency

Department C - Connecting Europe Facility (CEF)

**AMENDMENT N° 3
TO AGREEMENT No INEA/CEF/TRAN/M2015/1138800**

The **Innovation and Networks Executive Agency (INEA)** ("the Agency"), under the powers delegated by the European Commission ("the Commission"), represented for the purposes of signature of this amendment by the Head of Department C of the Agency, Andreas Boschen,

on the one part,

and

Správa železnic, státní organizace (Správa železnic)

State Organisation

Registration No A48384

Dlážděná 1003/7

110 00 Praha 1

Czech Republic

VAT No CZ70994234,

represented for the purposes of signature of this amendment by Deputy Director General, Mojmir Nejezchleb

hereinafter referred to collectively as "the beneficiaries", and individually as "beneficiary" for the purposes of this amendment

on the other part,

Having regard to the above-mentioned grant agreement concluded between the Agency and the beneficiary on 27/10/2016 as amended on 14/11/2017 and 05/11/2018,

Whereas:

- (1) The beneficiary has requested the Agency on 20/12/2019 to amend the above-mentioned grant agreement for the following reason(s): Implementation delays due longer than expected public procurement process for the studies and issues arising during the elaboration of the preliminary designs.
- (2) The measures provided for in this amendment do not affect the award of the Union financial aid.

HAVE AGREED AS FOLLOWS:

Article 1

(1) In the preamble, the beneficiary details shall read as follows:

Správa železnic, státní organizace/ Správa železnic (formerly SZDC, s. o.)
State Organisation
Registration No A48384
Dlázdena 1003/7
110 00 Praha 1
Czech Republic
VAT No CZ70994234

(2) Article 2.2 is replaced by the following article:

"2.2 The action shall run from 11/04/2016 ("the starting date") until 01/10/2023 ("the completion date")".

(3) Article 3 "Maximum amount and form of the grant" is replaced by the following article:

"ARTICLE 3 – MAXIMUM AMOUNT AND FORM OF THE GRANT

The grant for the action shall be of a **maximum amount of EUR 16,304,222.**

The grant shall take the form of:

(a) the reimbursement of 85% of the eligible costs of the action ("reimbursement of eligible costs"), which are estimated at EUR 19,181,438 and which are:

- (i) actually incurred ("reimbursement of actual costs")
- (ii) reimbursement of unit costs: not applicable
- (iii) reimbursement of lump sum costs: not applicable
- (iv) reimbursement of flat-rate costs: not applicable
- (v) declared on the basis of an amount per unit calculated in accordance with the beneficiary's usual cost accounting practices ("reimbursement of costs declared on the basis of the beneficiary's usual cost accounting practices") for personnel costs

(b) unit contribution: not applicable

(c) lump sum contribution: not applicable

(d) flat-rate contribution: not applicable"

(4) Article 4.1.1 "Reporting periods" is replaced by the following article:

"4.1.1 Reporting periods

The action is divided into the following reporting periods:

- Reporting period 1 from the starting date of the action to 31 December 2016;
- Reporting period 2 from 1 January 2017 to 31 December 2017;
- Reporting period 3 from 1 January 2018 to 31 December 2018;
- Reporting period 4 from 1 January 2019 to 31 December 2019;

- Reporting period 5 from 1 January 2020 to 31 December 2020;
- Reporting period 6 from 1 January 2021 to 31 December 2021;
- Reporting period 7 from 1 January 2022 to 31 December 2022;
- Last reporting period from 1 January 2023 to the completion date of the action."

(5) Article 6.3 is replaced by the following article:

"6.3 Communication details of the beneficiaries

Any communication from the Agency to the beneficiaries shall be sent to the following addresses:

For Správa železnic, státní organizace:

Radka Snajdrova

Head of External Financing Unit

Dlazdena 1003/7, 11 0 00 Praha I, Czech Republic

E-mail address: xxxx

(6) Article 22 is added to the grant agreement as follows:

"ARTICLE 22 – IMPLEMENTATION OF ACTIVITIES NOT FINANCIALLY SUPPORTED UNDER THE AGREEMENT

The following activities as described in Annex I shall not be financially supported under the Agreement:

- Activity 1 - Detailed design for sub-section 1;
- Activity 2 - Detailed design for sub-section 2.

Costs incurred by the beneficiaries, entities affiliated to the beneficiaries and implementing bodies designated by the beneficiaries in relation to these activities shall not be eligible and shall not contribute to the eligible costs of the action as estimated in Article 3 and to the estimated budget of the action as specified in Annex III. The reimbursement rate(s) specified in Article 3 do(es) not apply to these activities.

The possible costs related to the implementation of these activities shall not be taken into consideration for determining the final amount of the grant in accordance with Article II.25. These activities shall not be taken into consideration for the purpose of Article II.25.4.

By way of derogation from Article II.22, the estimated budget breakdown set out in Table 2 of Annex III may not be adjusted by transfers of amounts to these activities. An amendment may not have the purpose or the effect of transferring amounts to these activities."

(7) Annex I shall read as follows:

"ANNEX I DESCRIPTION OF THE ACTION

ARTICLE I.1 – IMPLEMENTATION OF THE TEN-T NETWORK

The action contributes to the implementation of the:

- the core network
 - Corridor(s): Baltic - Adriatic
 - Pre-identified section(s) on the core network corridor(s):
 - Katowice - Ostrava - Brno - Wien and Katowice - Žilina - Bratislava - Wien

ARTICLE I.2 – LOCATION OF THE ACTION

I.2.1 Member State(s): Czech Republic.

I.2.2 Region(s) (using the NUTS2 nomenclature): Jihovýchod (CZ06), Střední Morava (CZ07).

I.2.3 Third country(ies): not applicable.

ARTICLE I.3 – SCOPE AND OBJECTIVES OF THE ACTION

The Action covers preparatory studies for the upgrade of the Nezamyslice – Přerov railway section (excluding Přerov railway junction), which is part of the Brno – Přerov railway line on the pre-identified section Katowice-Ostrava-Brno-Wien of the Baltic-Adriatic core network corridor. Currently, the Nezamyslice – Přerov section represents a bottleneck on the whole Brno – Přerov line in terms of insufficient capacity (single-track only), speed (up to 90 km/h) and interoperability requirements.

The studies will cover the upgrade of a 24.844 km long conventional railway line between km 61.800 and km 86.644. According to the new stationing of the Nezamyslice – Přerov section the Action is divided into two sub-sections:

Sub-section 3: Nezamyslice – Kojetín (between km 61.800 and km 70.953; 9.153 km in total).

Sub-section 4: Kojetín – Přerov (between km 70.953 and km 86.644; 15.691 km in total).

The Action will elaborate the preliminary design and detailed design (for two sub-sections) for the Nezamyslice – Přerov section and all necessary procedures for obtaining the zoning decision and building permits (for two sub-sections), required for the future construction works. The design will cover the upgrade of the existing single-track line to a double-track line (with options to consider a minor triple/quadruple-track sections within the preliminary design), and full electrification of the line.

The Action will contribute to the following objectives of the Global Project:

- Ensure compliance with the applicable technical specifications for interoperability (TSI);

- Improve the technical conditions and parameters of the railway line;
- Increase the railway capacity;
- Increase the track speed up to 200 km/h and shorten travel time;
- Enhance safety of passengers and railway personnel (e.g. by dismantling all the existing level crossings or replacing them by grade-separated crossings).

The design for the Nezamyslice – Přerov railway section will ensure compliance with the EU requirements for the rail core network as set by Regulation (EU) No 1315/2013, namely: 22,5 t - axle load, the possibility of running freight trains with a length of 740 m and at least 100 km/h speed.

Project management will be ensured by the beneficiary on its own expenses within the established management structure for implementation of EU funded projects. The Action therefore does not include a specific project management activity.

ARTICLE 1.4 – ACTIVITIES

1.4.1 Activities timetable

Activity number	Activity title	Indicative start date	Indicative end date	Milestone number
1	Detailed design for sub-section 1	01/07/2018	01/08/2020	1, 2, 3, 4
2	Detailed design for sub-section 2	01/07/2018	01/08/2020	5, 6, 7, 8
3	Preliminary and detailed design for sub-section 3	11/04/2016	01/10/2023	9, 10, 11, 12, 13, 14, 15, 16, 17
4	Preliminary and detailed design for sub-section 4	11/04/2016	01/10/2023	18, 19, 20, 21, 22, 23, 24, 25, 26

1.4.2 Activities description

Activity 1: Detailed design for sub-section 1

N.A.

Activity 2: Detailed design for sub-section 2

N.A.

Activity 3: Preliminary and detailed design for sub-section 3

The activity covers elaboration of the preliminary and detailed design documentation, necessary to obtain the zoning decision and building permit for the sub-section 3 – Nezamyslice (excluding) – Kojetín (excluding) section, which is required for the future construction works. The total length of this sub-section is approximately 9.153 km (from km 61.800 to km 70.953 according to the new stationing). The design will include one new tunnel from km 63.286 to km 64.033 (747m long).

The preliminary design documentation will be prepared in line with the relevant national legislation and will build upon the results of the previous preparatory phase, namely the feasibility study. It is a prerequisite for obtaining the EIA and zoning decision. The preliminary design will define the construction works requirements necessary for determining the technical solution, the scope of works, the precise location and the works' timetable.

Specifically, the preliminary design will consist of:

- Hydrogeological study
- Geotechnical investigation
- Construction-technical study
- Geological investigation
- Geodetic study
- Engineering network current stage analysis
- Cadastre study
- Biological investigation
- Dendrological investigation
- Noise study
- Waste management study
- Technical design study (including CBA)
- Investment project file (including CBA)
- EIA
- Public consultation
- Land acquisition preparation
- Preliminary design documentation file for zoning decision application
- Zoning decision procedure

In addition, this task will also include any updates or additional studies/surveys/investigation/documentation that may be requested during the zoning procedure.

The detailed design documentation will be prepared in line with the relevant national legislation and will build upon the results of the previous phase, namely the preliminary design. The detailed design will specify in greater detail the technical solution and the scope of works, the building construction practices and the construction works requirements necessary for the negotiation and approval of the proposed design, construction management and issuance of the building permit. Based on the elaborated and approved detailed design documentation, a building permit application will be submitted to the competent authorities.

Specifically, detailed design will consist of:

- Hydrogeological study
- Geotechnical investigation
- Geological investigation
- Geodetic study
- Engineering network current stage analysis
- Cadastre study
- Dendrological investigation
- Noise study

- Waste management study
- Public consultation
- Land acquisition preparation
- Administrative file for trees felling and forests eradicating permit application
- Detailed design file for building permit application
- Trees felling and forests eradicating permit procedure
- Building permit procedure

This activity will also include additional studies/surveys/investigation/documentation that may be required as part of the building permit procedure. The activity will be implemented by the beneficiary. Preliminary design and zoning decision procedure, detailed design and building permit procedure will be performed by an external contractor/consultant selected through public procurement.

The activity will cover the following sub-activities: procurement for the preliminary design, preparation of the preliminary design, zoning procedure, procurement for the detailed design, preparation of the detailed design and building permit procedure.

Sub-activity 3.1: Tender for the contract of the preliminary design

This sub-activity will involve the following tasks:

- Launch of the tender procedure.
- Signature of the contract.

Sub-activity 3.2: Preparation of the preliminary design

This sub-activity will involve the following tasks:

- Elaboration of the preliminary design documentation.
- Processing of EIA documentation.
- Obtaining opinions of the relevant authorities.

Sub-activity 3.3: Zoning decision procedure

This sub-activity will involve the following tasks:

- Negotiation of the preliminary design with the relevant authorities.
- Incorporating the requirements of the zoning decision negotiations into the preliminary design documentation.

Sub-activity 3.4: Tender for the contract of the detailed design

This sub-activity will involve the following tasks:

- Launch of the tender procedure.
- Signature of the contract.

Sub-activity 3.5: Preparation of the detailed design

This sub-activity will involve the following tasks:

- Preparation of the detailed design to define the technical scope of the future construction works.
- Activities for property settlement (land purchase, establishment of easements).

Sub-activity 3.6: Building permit procedure

This sub-activity will involve the following tasks:

- Negotiation of the detailed design with the relevant authorities.
- Incorporating the requirements of the building permit negotiations into the detailed

design documentation.

Deliverables of activity are:

- Completed preliminary design
- EIA decision
- Zoning decision
- Completed detailed design
- Building permit(s)

Activity 4: Preliminary and detailed design for sub-section 4

The activity covers elaboration of the preliminary and detailed design, necessary to obtain the zoning decision and building permit for the sub-section 4 – Kojetín (including) – Přerov (excluding) section, which is required for the future construction works. The total length of this sub-section is approximately 15.691 km (between km 70.953 and km 86.644).

The preliminary design documentation will be prepared in line with the relevant national legislation and will build upon the results of the previous preparatory phase, namely the feasibility study. It is a prerequisite for obtaining the EIA and zoning decision. The preliminary design will define the construction works requirements necessary for determining the technical solution, the scope of works, the precise location and the works' timetable.

Specifically, the preliminary design will consist of:

- Hydrogeological study
- Geotechnical investigation
- Construction-technical study
- Geological investigation
- Geodetic study
- Engineering network current stage analysis
- Cadastre study
- Biological investigation
- Dendrological investigation
- Noise study
- Waste management study
- Technical design study (including CBA)
- Investment project file (including CBA)
- EIA
- Public consultation
- Land acquisition preparation
- Preliminary design documentation file for zoning decision application
- Zoning decision procedure

In addition, this task will also include any updates or additional studies/surveys/investigation/documentation that may be requested during the zoning procedure.

The detailed design documentation will be prepared in line with the relevant national legislation and will build upon the results of the previous phase, namely the preliminary design. The detailed design will specify in greater detail the technical solution and the scope

of works, the building construction practices and the construction works requirements necessary for the negotiation and approval of the proposed design, construction management and issuance of the building permit. Based on the elaborated and approved detailed design documentation, a building permit application will be submitted to the competent authorities.

Specifically, detailed design will consist of:

- Hydrogeological study
- Geotechnical investigation
- Geological investigation
- Geodetic study
- Engineering network current stage analysis
- Cadastre study
- Dendrological investigation
- Noise study
- Waste management study
- Public consultation
- Land acquisition preparation
- Administrative file for trees felling and forests eradicating permit application
- Detailed design file for building permit application
- Trees felling and forests eradicating permit procedure
- Building permit procedure

This activity will also include additional studies/surveys/investigation/documentation that may be required as part of the building permit procedure. The activity will be implemented by the beneficiary. Preliminary design and zoning decision procedure, detailed design and building permit procedure will be performed by an external contractor/consultant selected through public procurement.

The activity will cover the following sub-activities: procurement for the preliminary design, preparation of the preliminary design zoning procedure, procurement for the detailed design, preparation of the detailed design and building permit procedure.

Sub-activity 4.1: Tender for the contract of the preliminary design

This sub-activity will involve the following tasks:

- Launch of the tender procedure.
- Signature of the contract.

Sub-activity 4.2: Preparation of the preliminary design

This sub-activity will involve the following tasks:

- Elaboration of the preliminary design documentation.
- Processing of EIA documentation.
- Obtaining opinions of the relevant authorities.

Sub-activity 4.3: Zoning decision procedure

This sub-activity will involve the following tasks:

- Negotiation of the preliminary design with the relevant authorities.
- Incorporating the requirements of the zoning decision negotiations into the preliminary design documentation.

Sub-activity 4.4: Tender for the contract of the detailed design

This sub-activity will involve the following tasks:

- Launch of the tender procedure.
- Signature of the contract.

Sub-activity 4.5: Preparation of the detailed design

This sub-activity will involve the following tasks:

- Preparation of the detailed design to define the technical scope of the future construction works.
- Activities for property settlement (land purchase, establishment of easements).

Sub-activity 4.6: Building permit procedure

This sub-activity will involve the following tasks:

- Negotiation of the detailed design with the relevant authorities.
- Incorporating the requirements of the building permit negotiations into the detailed design documentation.

Deliverables of activity are:

- Completed preliminary design
- EIA decision
- Zoning decision
- Completed detailed design
- Building permit(s)

ARTICLE 1.5 – MILESTONES AND MEANS OF VERIFICATION

Milestone number	Milestone description	Indicative completion date	Means of verification
1	Detailed design contract signed (sub-section 1)	01/12/2018	Copy of the contract
2	Detailed design submitted to negotiation (sub-section 1)	01/10/2019	Copy of Handover protocol between contractor and beneficiary
3	Detailed design completed (sub-section 1)	01/01/2020	Copy of Handover protocol between contractor and beneficiary
4	Building permit issued (sub-section 1)	01/08/2020	Copy of building permit
5	Detailed design contract signed (sub-section 2)	01/12/2018	Copy of the contract
6	Detailed design submitted to negotiation (sub-section 2)	01/10/2019	Copy of Handover protocol between contractor and beneficiary
7	Detailed design completed (sub-section 2)	01/01/2020	Copy of Handover protocol between contractor and beneficiary
8	Building permit issued (sub-section 2)	01/08/2020	Copy of building permit
9	Preliminary design tender launched (sub-section 3)	21/04/2016	Copy of tender announcement
10	Preliminary design contract signed (sub-section 3)	28/06/2017	Copy of the contract
11	EIA issued (sub-section 3)	12/02/2018	Copy of EIA statement
12	Preliminary design completed (sub-section 3)	11/09/2018	Copy of Handover

			protocol contractor beneficiary	between and
13	Zoning decision issued (sub-section 3)	31/03/2021	Copy of zoning decision	
14	Detailed design contract signed (sub-section 3)	31/03/2021	Copy of the contract	
15	Detailed design submitted to negotiation (sub-section 3)	01/10/2022	Copy of protocol contractor beneficiary	Handover between and
16	Detailed design completed (sub-section 3)	01/04/2023	Copy of protocol contractor beneficiary	Handover between and
17	Building permit issued (sub-section 3)	01/10/2023	Copy of building permit	
18	Preliminary design tender launched (sub-section 4)	21/04/2016	Copy of tender announcement	
19	Preliminary design contract signed (sub-section 4)	05/10/2017	Copy of the contract	
20	EIA issued (sub-section 4)	20/12/2017	Copy of EIA statement	
21	Preliminary design completed (sub-section 4)	15/11/2019	Copy of protocol contractor beneficiary	Handover between and
22	Zoning decision issued (sub-section 4)	31/03/2021	Copy of zoning decision	
23	Detailed design contract signed (sub-section 4)	01/08/2021	Copy of the contract	
24	Detailed design submitted to negotiation (sub-section 4)	01/10/2022	Copy of protocol contractor beneficiary	Handover between and
25	Detailed design completed (sub-section 4)	01/04/2023	Copy of protocol contractor beneficiary	Handover between and
26	Building permit issued (sub-section 4)	01/10/2023	Copy of building permit	

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Agreement number: INEA/CEF/TRAN/M2015/1138800 Modif. no 3 Amend. no 3
Action number: 2015-CZ-TM-0121-M

(8) Annex III shall read as follows:

**"ANNEX III
ESTIMATED BUDGET OF THE ACTION**

Table 1: Planned sources of financing of the eligible costs of the action

Financing sources	Amount of financial contribution to the action eligible costs (EUR)
1. CEF-Transport financing	16,304,222
2. Beneficiary's own resources	0
of which:	
(a) EIB loan	0
3. State budget(s)	2,877,216
4. Regional/ local budget(s)	0
5. Income generated by the action	0
6. Other sources	0
TOTAL	19,181,438

Table 2: Indicative breakdown per activity of estimated eligible costs of the action (EUR)

Activities	2016	2017	2018	2019	2020	2021	2022	2023	Total
ELIGIBLE DIRECT COSTS									
Activity 1	0	0	0	0	0	0	0	0	0
Activity 2	0	0	0	0	0	0	0	0	0
Activity 3	30,058	432,511	715,473	0	0	1,365,478	4,348,214	1,461,370	8,353,104
Activity 4	30,058	30,058	1,227,402	330,293	183,496	256,145	5,876,230	2,894,652	10,828,334
TOTAL ELIGIBLE DIRECT COSTS	60,116	462,569	1,942,875	330,293	183,496	1,621,623	10,224,444	4,356,022	19,181,438
Annual instalments of maximum CEF contribution	2,095,726	0	0	280,749.05	155,971.6	1,378,379.55	8,690,777.4	3,702,618.7	16,304,222.3

Table 3: Indicative breakdown per beneficiary of the maximum CEF contribution (EUR)

Not applicable.
"

Article 2

All the other provisions of the grant agreement shall remain unchanged.

Article 3

The present amendment shall form an integral part of the grant agreement and it shall enter into force on the date on which it is signed by the last party. It shall take effect on the date of its entry into force.

SIGNATURES

For the beneficiary Správa železnic, státní
organizace
Mojmír Nejezchleb

For the Agency

Andreas Boschen

**Mojmír
Nejezchleb**

Done at Praha 1, on

Done at Brussels, on

25.9.2020

0 01/10/2020

In duplicate in English.

Ověřovací doložka změny datového formátu dokumentu podle § 69a zákona č. 499/2004 Sb.

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Jméno a příjmení osoby, která změnu formátu dokumentu provedla:

System ERMS (zpracovatel dokumentu Anna VRÁNA)

Subjekt, který změnu formátu provedl: Správa železnic, státní organizace

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