

**Transition Facility Project  
„Administrative competencies extension  
for the purpose of implementation  
of European railway market regulations”**

# **Guide to procedures governing railway market**

May 2008



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# Foreword

Dear Sir or Madam,

I am pleased to recommend you the “Guide to procedures governing railway market”. The publication indicates the new approach to the issues of market consultation and information coordination. Railway transport regulation is a difficult and complex task. The aim of regulation is to develop market competition to the benefit of the client of railway transport service – passenger and institutional undertakings.

**Regulation understood as the legally determined method of state influence on the economy consists in issuing administrative decisions that require undertakings to meet specific obligations regarding the railway market.**

The regulatory body, before making regulative decisions, complies with and employs proper action procedures. The market activities of railway sector undertakings are connected with many obligations imposed by national and European regulations. In order to open the railway market and to operate on it, it is necessary not only to meet the specified obligations, e.g. in scope of market activities on a high level of safety, but also to be entitled e.g. to equal and indiscriminative infrastructure access.

The regulatory body, in order to fulfill its tasks, should cooperate with the market through efficient communication system aiming at improvement of awareness of safety and reliability requirements in the railway market and the culture of legal and economic aspects in scope of the regulation of railway transport market.

A knowledge compendium on proceedings on the railway transport market and before the President of UTK as the central body of government administration was prepared within the EU project in order to clarify the regulatory issues.

Presenting the Guide to railway market participants I hope that it will become a publication that systematizes the knowledge on the management and regulation of railway market. I assess that it will favor the reciprocal understanding, relations and competences as well as the common understanding of requirements for the players entering the railway market and operating on it.

I hope you will enjoy the reading

Yours faithfully  
Miroslaw Antonowicz  
Vice President on Railway Market Regulation

Guide  
to procedures  
governing  
railway market  
May 2008

# Introduction

Polish railway freight market is one of the biggest in Europe. Third, measured by length, biggest railway network in the European Union (after Germany and France) confers competitive advantage over other modes of transport. Increasing competition in the freight market as well as emergence of alternative passenger traffic operators are additional factors supporting market development. Regarding economic considerations (lower costs) as well as environmental issues (environment protection and limitation of road transit), the increase of railway's market share in total transport volume is a highly desirable economic phenomenon. Quality improvement of services rendered by freight operators as well as increased safety and quality of passenger traffic due to more intense competition encourage the realization of this objective.

Nonetheless the operation of railway transport undertakings is subject to multiple regulatory constraints. The procedure of obtaining a license alone obliges the entrepreneurs to demonstrate their economic and financial credibility by presenting different types of data and documents. Substantial formal and economic requirements are a part of the safety certification process. Those procedures seem very restrictive and constitute a substantial burden. Nevertheless it should be noted that such requirements are a simple consequence of EC law implementation. It should be borne in mind that railway operators are responsible for ensuring adequate level of passenger and freight safety. It is therefore necessary to maintain the mechanisms which allow to verify the entrepreneur's potential to meet safety standards. Such an approach has been elaborated within the EC regulatory framework and any modifications are coordinated at the Community level. The process of cutting red tape, characteristic for the EU regulatory policy, makes itself felt also in the railway market, leading to less restrictive requirements for railway operators. It is, however, impossible to eliminate many of the regulatory duties currently in force.

The objective of this publication is to help the entrepreneurs get acquainted with railway sector procedures and to enable better orientation in multiple requirements stipulated in railway regulations. This publication is structured as a manual. The manual has been prepared as a compendium including the information necessary for entities wishing to start new operations as well as those already active in the Polish market. Electronic version (in Polish and English) is also available in order to broadly disseminate this knowledge among entrepreneurs.

The manual contains general description of competences and procedures on managing and supervising the railway market applied by Urząd Transportu Kolejowego and other institutions. Its content has been fitted into transparent subject framework. The first part comprises necessary information for those entrepreneurs who consider entering the railway market. The second and third part describes the rules of operation in the railway market, i.e. the rights and duties of railway operators, infrastructure managers and railway siding users. The final part provides information on the rules governing the protection of rights of final customers, i.e. of the entrepreneurs using the services of railway operators (forwarders) and passengers.

It should be remembered that the full compliance of the Polish law with European standards still requires the modification of multiple domestic regulations, so the procedures described in this manual will evolve in time. The current version of the manual reflects the regulatory standards as of 1 May 2008.

The manual was prepared within the framework of Transition Facility 2005/017-488.02.03 „Rozszerzenie kompetencji administracyjnych w celu wdrożenia unijnych regulacji rynku kolejowego” project ordered by Urząd Transportu Kolejowego. The task was performed by Deloitte company, whose experience based on completed advisory projects for domestic markets regulators (UKE, UOKiK), as well as on substantial support of railway experts from other member states ensures the highest level of the performance.

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# Glossary

This guide uses terms based on the Polish law. The following glossary of key terms was developed based on:

- the Railway Transport Act of 28 March 2003 (Ustawa z dnia 28 marca 2003 roku o transporcie kolejowym (tekst jednolity: Dz. U. 2007 r. Nr 16 poz. 94 z późn. zm.));
- the Ministry of Transport's Regulation of 30 May 2006 on the conditions for use and access to railway infrastructure (Rozporządzenie Ministra Transportu z dnia 30 maja 2006 roku w sprawie warunków dostępu i korzystania z infrastruktury kolejowej (Dz. U. Nr 107 poz. 737 z późn. zm.));
- the Procedure of considering market information and applications to initiate administrative proceedings associated with art. 13 par. 1 items 2-5 of the Railway Transport Act of 28 March 2003 and railway undertakings' complaints.

The definitions mentioned below do not fully reflect the wording of respective source regulations. Furthermore, the terms defined below can also be used as colloquial expressions in the contents of this guide. In some cases, a term can be defined in a different manner in another source, therefore sources additional to those above have been indicated.

## Glossary of the essential terms used in the guide:

- |  |   |  |
|--|---|--|
| <ul style="list-style-type: none"><li>– <b>safety authorization</b> – a document confirming the establishment by the infrastructure manager of the safety management system and the ability to meet the requirements necessary to safely design, exploit and maintain railway infrastructure;</li><li>– <b>railway siding</b> – railway infrastructure designed for loading and unloading wagons, performing maintenance activities on railway vehicles or keeping railway vehicles while they stop, as well as moving railway vehicles and making them join the traffic on the railway network. Railway sidings include also railway traffic management installations and other installations associated with railway traffic safety, which are situated on the railway siding;</li><li>– <b>intermodal whole train freight</b> – freight conducted using technical or technological solutions which at a change of the mean of transport or gauge will not require reloads of particular portions of the freight or shifting the wagon;</li><li>– <b>safety certificate</b> – a document confirming the establishment by</li></ul> | <p>the railway undertaking of the safety management system and the ability to meet the safety requirements included in technical interoperability specifications and other EU and national regulations;<sup>1</sup></p> <ul style="list-style-type: none"><li>– <b>railway road</b> – railway surface together with ballast and engineering buildings as well as the ground on which it is situated;</li><li>– <b>market information</b> – each information <i>ex officio</i> and each document sent to an office, unsigned by the persons authorized to represent the entity which regards equal access of railway undertakings to railway infrastructure, equal treatment of all railway undertakings by infrastructure managers or proper setting of basic fees for railway infrastructure use and additional fees for provision of additional services;</li></ul> | <ul style="list-style-type: none"><li>– <b>railway infrastructure</b> – railway lines and other structures, buildings and installations together with grounds occupied by them, situated on the railway area and designed for the management and operation of passenger and goods transport, as well as for maintaining the assets of the infrastructure manager necessary for this purpose;</li><li>– <b>railway interoperability</b> – the ability of the trans-European high-speed rail system and the trans-European conventional rail system to allow safe and uninterrupted movement of trains on the territory of the European Union member states, consisting in the fulfillment of essential requirements related to railway interoperability;</li><li>– <b>credit operating costs</b> – costs born due to the operation of credits incurred by the infrastructure manager for the development and modernization of managed railway infrastructure;</li></ul> |
|--|---|--|
- <sup>1</sup> Polish language differentiates between the safety certificate (*certyfiikat bezpieczeństwa*) in the meaning of EU Directive 2004/49 and the safety certificate (*świadcetwo bezpieczeństwa*) understood as a document issued to entities which are not required to obtain safety certificate in the upper meaning or a safety authorization (this other type of certificate does not derive from EU regulations). For reasons of clarity, throughout this guide we will use a **safety certificate** in the meaning according to Directive 2004/49, and a **safety license** as a term which has the second meaning cited above.

- **license** – a confirmation of the undertaking's ability to perform the railway undertaking function, issued for an indefinite period;
- **temporary license** – a license issued for the maximum period of 6 months, in case of suspending or revoking the license because of not meeting the requirements regarding financial credibility. Time is given to the railway undertaking to conduct necessary changes in the company, but only when these will not threaten the safety of railway operations;
- **railway line** – railway road having its beginning and end, together with adjacent ground belt, which consists of railway lines' sections as well as buildings, structures and installations designed for railway traffic operation, together with ground occupied by them;
- **reparation and maintenance margin** – essential expenses required for the development of reparation and maintenance potential of infrastructure manager to the scope of current maintenance and operation of traffic;
- **railway line section** – part of a railway line between junction stations or between the initial or final point of the railway line and the nearest junction station;
- **reparation and maintenance train** – a train or vehicle of the infrastructure manager or the railway undertaking operating on order of the infrastructure manager; the train rides in order to maintain, control or repair the railway infrastructure;
- **railway vehicle** – a vehicle designed to move on its wheels on railway tracks;
- **bulk railway vehicle** – railway engine, traction vehicle which is included to the special rolling stock or auxiliary vehicle without wagons or railway traction vehicles and railway auxiliary vehicles which are out of order;
- **traction vehicle** – a railway vehicle with its own drive; some vehicles are not railway vehicles i.e. machines for railway construction work, vehicles for maintaining and repairing traction network, rail crane, motor vehicles, rail building machines, rail-movers, trolleys and some rescue vehicles;
- **railway undertaking** – an undertaking that performs railway transport or provides traction vehicles on the basis of a license;
- **safety report** – a report prepared by infrastructure managers and railway undertakings which includes information on meeting the internal safety requirements and safety plans execution, presentation of national safety indicators and common safety indicators (CSI) execution to the scope of the operated activity, observed discrepancies and conclusions associated with railway exploitation, results of internal safety audits;
- **regional passenger transportation** – passengers transportation within one voivodeship or transportation to the first junction of the neighboring voivodeship;
- **train timetable** – a plan specifying the movement of trains on a given railway network or its part in the period for which it is binding;
- **rail network** – system of interconnected railway lines being the property of the infrastructure manager or managed by the infrastructure manager;
- **complaint** – a document signed by persons authorized to represent the entity, which is prepared by the railway undertaking and regards the rules for railway routes allocation and usage of allocated railway routes by the railway undertakings which hold the license, or allocation of railway routes and infrastructure access fees;
- **safety management system** – organization and operations approved by the infrastructure manager and railway undertaking in order to guarantee safety;
- **safety license** – a document confirming the ability to perform safe railway traffic operation and railway transport which is issued to entities which are not required to obtain safety certificate and safety authorization and to railway siding users;
- **license for exploitation of a type of buildings or type of installations designed for railway traffic operation** – a document entitling to use a given type of structure or type of installation for railway traffic operation;
- **license for exploitation of a type of railway vehicle** – a document entitling to use a given type of railway vehicle in railway transport;
- **certificate of railway vehicle technical efficiency** – a document confirming that a railway vehicle is technically efficient;

- **technical specifications of interoperability (TSI)** – detailed technical and functional requirements, procedures and methods of assessing the conformity with essential requirements of railway interoperability, exploitation and maintenance conditions which regard interoperability constituents and subsystems of trans-European high-speed rail system and trans-European conventional rail system, which are defined and published by the European Commission. TSI are the integral part of Directives 96/48/WE and 2001/16/WE concerning interoperability of trans-European rail system;
- **train route** – specifying the location of the train in the timetable, as a function of travel time, designed for the evaluation of the railway line capacity exploitation;
- **type of structures and installations designed for railway traffic operation** – buildings and installations or systems with the same technical and exploitation parameters;
- **type of railway vehicles** – railway vehicles with the same construction solutions;
- **framework agreement** – an agreement concluded between the railway undertaking and the infrastructure manager regarding the reservation of railway lines capacity for a period longer than one year, without identifying specific train routes;
- **traction service** – an activity of the undertaking which consists in assurance of traction vehicle together with persons employed to conduct railway transport;
- **railway siding user** – an entity which performs its activities within the railway siding which is the siding's owner or performs based on other legal title;
- **application to initiate administrative proceeding** – a document signed by the persons authorized to represent the entity which regards the assurance to provide equal access of railway undertakings to railway infrastructure, equal treatment of railway undertakings by infrastructure manager, especially in case of considering the applications to gain access to train routes and charging fees, proper setting of basic fees for railway infrastructure use and additional fees for provision of additional services, the rules for railway routes allocation and usage of allocated railway routes by railway undertakings which hold the license, or allocation of railway routes and infrastructure access fees;
- **common safety indicators (CSI)** – statistical information associated with railway accidents and incidents, their effects, technical safety of railway infrastructure and safety management;
- **infrastructure manager** – the entity performing the activity that consists in railway infrastructure management according to the rules specified in *the Act*; the functions of manager of the infrastructure or its parts may be performed by different entities;
- **capacity** – the exploitation and traffic capacity of a railway line or its part for performing train travels on it over a given time.

The following abbreviations are used in the guide:

<b>EU</b>	European Union
<b>UTK</b>	Railway Transport Office (Urząd Transportu Kolejowego)
<b>UOKiK</b>	Office of Competition and Consumer Protection (Urząd Ochrony Konkurencji i Konsumentów)
<b>TSI</b>	Technical Specifications of Interoperability

If the guide does not specify the legal act to which reference is made, it should be understood as reference to the Railway Transport Act of 28 March 2003.



The following table presents the list of Polish legal acts in English and Polish.

Legal act (English)	Legal act (Polish)
The Act of 14 June 1960 – Code of Administrative Procedure (also referred to as KPA)	Ustawa z dnia 14 czerwca 1960 roku Kodeks Postępowania Administracyjnego (tekst jednolity: Dz. U. 2000 r. Nr 98 poz. 1071 z późn. zm.)
The Act of 23 April 1964 – Civil Code	Ustawa z dnia 23 kwietnia 1964 r. – Kodeks cywilny (Dz. U. Nr 16 poz. 93 z późn. zm.)
The Act of 17 November 1964 – Civil proceedings code	Ustawa z dnia 17 listopada 1964 r. – Kodeks postępowania cywilnego (Dz. U. Nr 43 poz. 296 z późn. zm.)
The Act of 15 November 1984 – Transport Act	Ustawa z dnia 15 listopada 1984 roku Prawo przewozowe (tekst jednolity: Dz. U. 2000 r. Nr 50 poz. 601 z późn. zm.)
The Act of 16 April 1993 on combating unfair competition	Ustawa z dnia 16 kwietnia 1993 r. o zwalczaniu nieuczciwej konkurencji (tekst jednolity: Dz. U. 2003 r. Nr 153 poz. 1503 z późn. zm.)
The Act on specific terms and conditions of consumer sale and amendments to the Civil Code	Ustawa z dnia 27 lipca 2002 r. o szczególnych warunkach sprzedaży konsumenckiej oraz o zmianie Kodeksu cywilnego (Dz. U. Nr 141 poz. 1176 z późn. zm.)
The Railway Transport Act of 28 March 2003	Ustawa z dnia 28 marca 2003 roku o transporcie kolejowym (tekst jednolity: Dz. U. 2007 r. Nr 16 poz. 94 z późn. zm.)
The Act of 31 March 2004 on the dangerous goods railway transport	Ustawa z dnia 31 marca 2004 r. o przewozie kolejną towarów niebezpiecznych (Dz. U. 2004 r. Nr 97 poz. 962 z późn. zm.)
The Act from 22 July 2006 amending the Railway Transport Act	Ustawa z dnia 22 lipca 2006 roku o zmianie ustawy o transporcie kolejowym (Dz. U. 2006 Nr 144 poz. 1046)
The Act of 16 February 2007 on competition and consumer protection	Ustawa z dnia 16 lutego 2007 r. o ochronie konkurencji i konsumentów (Dz. U. Nr 50 poz. 331 z późn. zm.)
The Act of 23 August 2007 on the counteraction against unfair market practices	Ustawa z dnia 23 sierpnia 2007 r. o przeciwdziałaniu nieuczciwym praktykom rynkowym (Dz. U. Nr 171 poz. 1206)
The Ministry of Transport and Maritime Economy's Regulation of 10 September 1998 on technical conditions for railway buildings and their location	Rozporządzenie Ministra Transportu i Gospodarki Morskiej z dnia 10 września 1998 roku w sprawie warunków technicznych, jakim powinny odpowiadać budowle kolejowe i ich usytuowanie (Dz. U. Nr 151 poz. 987)
The Ministry of Infrastructure's Regulation of 28 June 2003 on the conditions of applying and considering of applications for granting the license for economic operations consisting in performing passenger or goods railway transport or in providing access to traction vehicles, as well as the license form	Rozporządzenie Ministra Infrastruktury z dnia 28 czerwca 2003 roku w sprawie trybu składania i rozpatrywania wniosków o udzielenie licencji na prowadzenie działalności gospodarczej polegającej na wykonywaniu przewozów kolejowych osób lub rzeczy albo na udostępnianiu pojazdów trakcyjnych oraz wzoru licencji (Dz. U. Nr 137 poz. 1309)

Legal act (English)	Legal act (Polish)
The Ministry of Infrastructure's Regulation of 7 August 2003 on the fee for granting the license for economic operations in the area of railway transport	Rozporządzenie Ministra Infrastruktury z dnia 7 sierpnia 2003 roku w sprawie opłaty za udzielenie licencji na prowadzenie działalności gospodarczej w zakresie transportu kolejowego (Dz. U. Nr 144 poz. 1402)
The Ministry of Infrastructure's Regulation of 26 September 2003 on the list of types of buildings or installations designed for railway traffic operation and types of railway vehicles for which licences for exploitation are issued	Rozporządzenie Ministra Infrastruktury z dnia 26 września 2003 roku w sprawie wykazu typów budowli i urządzeń przeznaczonych do prowadzenia ruchu kolejowego oraz typów pojazdów kolejowych, na które wydawane są świadectwa dopuszczenia do eksploatacji (Dz. U. Nr 175 poz. 1706)
The Ministry of Infrastructure's Regulation of 30 April 2004 on the licences for exploitation of types of buildings or installations designed for railway traffic operation and types of railway vehicles	Rozporządzenie Ministra Infrastruktury z dnia 30 kwietnia 2004 roku w sprawie świadectw dopuszczenia do eksploatacji typu budowli i urządzeń przeznaczonych do prowadzenia ruchu kolejowego oraz typu pojazdu kolejowego (Dz. U. Nr 103 poz. 1090 z późn. zm.)
The Ministry of Infrastructure's Regulation of 16 August 2004 on the list of positions directly associated with railway traffic operation and safety, as well as conditions to be met by the persons filling these posts and driving railway vehicles	Rozporządzenie Ministra Infrastruktury z dnia 16 sierpnia 2004 r. w sprawie wykazu stanowisk bezpośrednio związanych z prowadzeniem i bezpieczeństwem ruchu kolejowego i warunków, jakie powinny spełniać osoby zatrudnione na tych stanowiskach oraz prowadzący pojazdy kolejowe (Dz. U. Nr 212 poz. 2152 z późn. zm.)
The Ministry of Infrastructure's Regulation of 15 February 2005 on certificate of railway vehicle technical efficiency	Rozporządzenie Ministra Infrastruktury z dnia 15 lutego 2005 roku w sprawie świadectw sprawności technicznej pojazdów kolejowych (Dz. U. Nr 37 poz. 330)
The Ministry of Infrastructure's Regulation of 18 July 2005 on the general conditions for railway traffic operation and signalization	Rozporządzenie Ministra Infrastruktury z dnia 18 lipca 2005 roku w sprawie ogólnych warunków prowadzenia ruchu kolejowego i sygnalizacji (Dz. U. Nr 172 poz. 1444 z późn. zm.)
The Ministry of Infrastructure's Regulation of 12 October 2005 on the general technical conditions for railway vehicles' exploitation	Rozporządzenie Ministra Infrastruktury z dnia 12 października 2005 roku w sprawie ogólnych warunków technicznych eksploatacji pojazdów kolejowych (Dz. U. Nr 212 poz. 1771 z późn. zm.)
The Ministry of Infrastructure's Regulation of 12 October 2005 on the scope of necessary tests to obtain the licenses for exploitation of types of buildings or installations designed for railway traffic operation and types of railway vehicles	Rozporządzenie Ministra Infrastruktury z dnia 12 października 2005 roku w sprawie zakresu badań koniecznych do uzyskania świadectw dopuszczenia do eksploatacji typów budowli i urządzeń przeznaczonych do prowadzenia ruchu kolejowego oraz typów pojazdów kolejowych (Dz. U. Nr 212 poz. 1771 z późn. zm.)
The Ministry of Transport and Construction's Regulation of 24 February 2006 on the state of freight determination and on complaint procedure	Rozporządzenie Ministra Transportu i Budownictwa z dnia 24 lutego 2006 roku w sprawie ustalania stanu przesyłek oraz postępowania reklamacyjnego (Dz. U. Nr 38 poz. 266)
The Ministry of Transport's Regulation of 30 May 2006 on the conditions for use and access to railway infrastructure	Rozporządzenie Ministra Transportu z dnia 30 maja 2006 roku w sprawie warunków dostępu i korzystania z infrastruktury kolejowej (Dz. U. Nr 107 poz. 737 z późn. zm.)

Legal act (English)	Legal act (Polish)
The Ministry of Transport's Regulation of 31 May 2006 on the railway vehicles' register and the manner of marking railway vehicles	Rozporządzenie Ministra Transportu z dnia 31 maja 2006 roku w sprawie rejestru i oznakowania pojazdów kolejowych (Dz. U. Nr 105 poz. 713)
The Ministry of Transport's Regulation of 2 November 2006 on the documents that should be present in a railway vehicle	Rozporządzenie Ministra Transportu z dnia 2 listopada 2006 roku w sprawie dokumentów, które powinny znajdować się w pojeździe kolejowym (Dz. U. 2007 r. Nr 9 poz. 63)
The Ministry of Transport's Regulation of 5 December 2006 on the manner of obtaining safety certificate	Rozporządzenie Ministra Transportu z dnia 5 grudnia 2006 roku w sprawie sposobu uzyskania certyfikatu bezpieczeństwa (Dz. U. Nr 230 poz. 1682)
The Ministry of Transport's Regulation of 12 March 2007 on the conditions and course of issuing, prolonging, changing and revoking safety authorization, safety certificates and safety licenses	Rozporządzenie Ministra Transportu z dnia 12 marca 2007 roku w sprawie warunków oraz trybu wydawania, przedłużania, zmiany i cofania autoryzacji bezpieczeństwa, certyfikatów bezpieczeństwa i świadectw bezpieczeństwa (Dz. U. Nr 57 poz. 389)
The Ministry of Transport's Regulation of 12 March 2007 on the performance manner of controls by the President of the UTK	Rozporządzenie Ministra Transportu z dnia 12 marca 2007 roku w sprawie trybu wykonywania kontroli przez Prezesa Urzędu Transportu Kolejowego (Dz. U. Nr 57 poz. 388)
The Ministry of Transport's Regulation of 19 March 2007 on the safety management system in railway transport	Rozporządzenie Ministra Transportu z dnia 19 marca 2007 roku w sprawie systemu zarządzania bezpieczeństwem w transporcie kolejowym (Dz. U. Nr 60 poz. 407)
The Ministry of Transport's Regulation of 30 April 2007 on serious accidents, accidents and incidents on railway lines	Rozporządzenie Ministra Transportu z dnia 30 kwietnia 2007 roku w sprawie poważnych wypadków, wypadków i incydentów na liniach kolejowych (Dz. U. Nr 89 poz. 593)
The Ministry of Infrastructure's Regulation of 19 December 2007 on the information on common safety indicators (CSI)	Rozporządzenie Ministra Infrastruktury z dnia 19 grudnia 2007 roku w sprawie informacji o wspólnych wskaźnikach bezpieczeństwa (CSI) (Dz. U. Nr 247 poz. 1830)
The Ministry of Infrastructure's Regulation of 29 February 2008 on the activities performed by the President of UTK for which fees are collected, the amount of these fees and the method of their collection	Rozporządzenie Ministra Infrastruktury z dnia 29 lutego 2008 roku w sprawie czynności wykonywanych przez Prezesa Urzędu Transportu Kolejowego, za które pobierane są opłaty, oraz wysokości tych opłat i trybu ich pobierania (Dz. U. Nr 47 poz. 276)



A low-angle shot of a railway signal post against a clear blue sky. The signal features a semaphore arm with red and white horizontal stripes, a rectangular sign with a red number '3' and red vertical stripes, and several black light housings. The foreground shows a white metal bracket with several bolts.

# I. How to become a railway undertaking?



# Licensing

To start operating as a railway undertaking it is necessary (although not sufficient) to obtain a license. This condition results from EU regulations which oblige all member states to introduce appropriate regulations as far as licensing of railway undertakings is concerned. The following EU regulations contain the obligation of railway undertakings' licensing:

## European regulations

- Council Directive 95/18/EC on the licensing of railway undertakings
- Directive 2001/13/EC of the European Parliament and of the Council amending Directive 95/18/EC on the licensing of railway undertakings
- Directive 2004/49/EC of the European Parliament and of the Council on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of fees for the use of railway infrastructure and safety certification

It is important to notice that there is a strong correlation between the safety Directive (2004/49/WE) and the Directives 1996/48/WE and 2001/16/WE concerning interoperability of trans-European high-speed system and conventional rail system.

## National regulations

In Poland, the legal basis concerning the licensing obligation is included in *the Railway Transport Act of 28 March 2003*. The licensing procedure is also based on the following regulations:

- The Ministry of Infrastructure's Regulation of 28 June 2003 on the conditions of applying and considering of applications for granting the license for economic operations consisting in performing passenger or goods railway transport or in providing access to traction vehicles, as well as the license form
- The Ministry of Infrastructure's Regulation of 7 August 2003 on the fee for granting the license for economic operations in the area of railway transport
- The Act of 14 June 1960 – Code of Administrative Procedure

## Who obtains a license?

According to art. 43 par. 1 of *the Act*, the undertakings which are obliged to obtain a license are the ones which intend to run economic activity comprising in performing passenger or goods railway transport or in providing access to traction vehicles. The obligation to obtain a license does not apply to undertakings performing transport within the limits of a railway siding or a railway station (art. 44).

## Who grants a license?

The body proper for granting, refusing to grant, changing or revoking the license is the President of UTK (art. 45 par. 1). The process of license granting is conducted by the Department of Railway Transport Regulation within UTK.

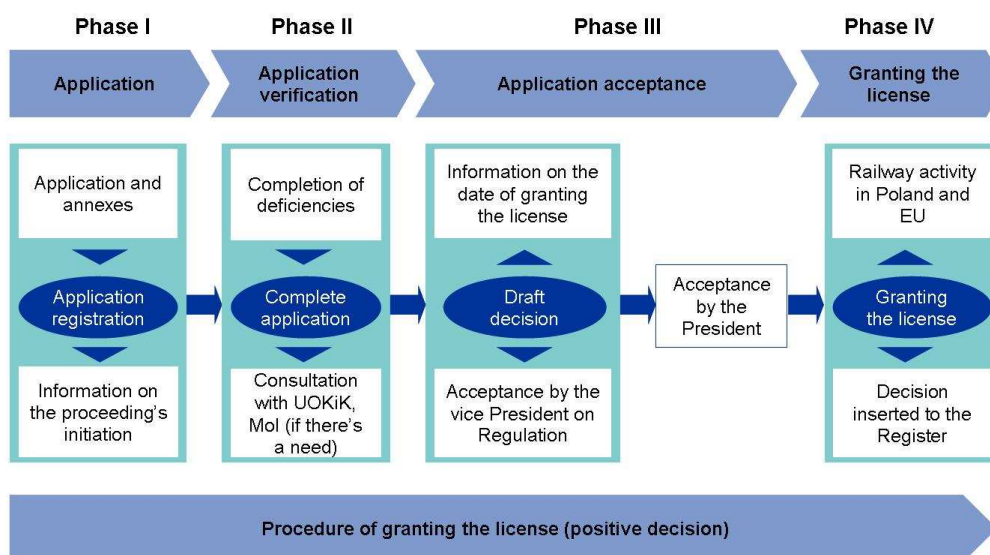
## Definition of a license

A license is a confirmation of the undertaking's ability to perform the railway undertaking function (art. 43 par. 2). Licenses are issued for an indefinite period (art. 43 par. 4). It is important to notice that a license is not a permission to access railway infrastructure .

It is also possible to obtain a temporary license which may be issued for the maximum period of 6 months, in case of suspending or revoking the license because of not meeting the requirements regarding financial credibility. Time is given to the railway undertaking to conduct necessary changes in the company, provided this will not threaten the safety of railway operations (art. 43 par. 4a).

Confirmations of the undertaking's ability to perform the railway undertaking function are also licenses issued by proper authorities of other EU or EFTA member states (art. 43 par. 3).

### The process of considering the license application



### How to obtain a license?

The railway undertaking must apply to UTK using the written application form to obtain a license together with annexes.

Application form and annexes	Notes
<b>Application should include:</b>	
name of the undertaking, its premises and address	
number in the register of entrepreneurs or business activity register	registration certificate
full names of the persons entitled to represent the undertaking	
information on the subject and scope of activities for which the license is to be granted	
<b>Documents which are annexes to the application:</b>	
confirmation of undertaking's good reputation (art. 47 par. 2)	i.e. certificate of clean criminal record of persons entitled to represent the undertaking
confirmation of financial credibility (art. 47 par. 3), i.e.: <ul style="list-style-type: none"> <li>last year's financial statement together with auditor's opinion and report;</li> <li>F01 report for the last reporting period;</li> <li>cash flow statement for the last two years;</li> </ul>	
<ul style="list-style-type: none"> <li>expected execution of balance sheet and profit and loss account for the year in which the undertaking applies for obtaining the license and the assumptions to the balance sheet and profit and loss account for the next year;</li> </ul>	

Application form and annexes	Notes
<ul style="list-style-type: none"> <li>– confirmation of balances of bank accounts of the applicant;</li> <li>– data on expected expenses regarding the licensed activity;</li> <li>– information from the Internal Revenue Office and from Social Insurance Institution on the non-existence of public law arrears;</li> <li>– information on the ongoing proceedings against the applicant: bankruptcy, composition, arrangement or liquidation;</li> <li>– information on possessed / granted off-balance sheet guarantees for property liabilities;</li> </ul>	i.e. information on warranties, guarantees, mortgage records
<p>confirmation of professional competence (art. 47 par. 5), i.e.:</p> <ul style="list-style-type: none"> <li>– information on possession or declaration that the applicant will possess management organization allowing performing appropriate supervision over the licensed activity and over observance of safety in railway transport;</li> <li>– declaration that the applicant will hire personnel responsible for the railway traffic safety with the required qualifications;</li> <li>– detailed data on the qualification and training of employees responsible for the safety of railway transport;</li> </ul>	<p>as of indicated date, but not later than when starting the licensed activity</p> <p>as of indicated date, but not later than when starting the licensed activity according the Ministry of Infrastructure's Regulation of 16 August 2004 on the list of positions directly related to railway traffic performance and safety and conditions which should be met by persons employed on those positions and operating railway vehicles</p>
<p>confirmation of having rolling stock at disposal (art. 47 par. 6), i.e.:</p> <ul style="list-style-type: none"> <li>– declaration that the applicant has, or will commit itself to have at its disposal when starting the licensed activity: railway vehicles, including cars and railway engines, and proper for this rolling stock: railway vehicles maintenance and service system, management organization allowing performing appropriate supervision over the licensed activity and over observing security in railway transport;</li> <li>– declaration that the applicant has, or will commit itself to create, as of the date it will commence performing the activity, a system for railway vehicles' maintenance and service;</li> <li>– detailed data on the types of possessed railway vehicles;</li> </ul>	<p>Defined in National Court Register, section 3, PKWiU symbol 60.10.2</p> <p>as of indicated date, but not later than when starting the licensed activity</p>
confirmation of the possession of civil liability insurance (art. 47 par. 7)	insurance policy confirming possession of guarantees for property claims which are related to the activity for 12 months or a declaration that the applicant will possess the insurance policy for the period of 12 months, no later that when starting the licensed activity
<b>Other documents which are attached to the application:</b>	
excerpt from the register of entrepreneurs or a certified excerpt from the business activity register	
a copy of the REGON statistical identification number certificate	
a copy of the decision on the assignment of the NIP taxpayer identification number	
information concerning hitherto activity of the undertaking	
Note: It should be remembered that the copies of documents should be up-to-date and certified as 'true copies'.	



## How much does a license cost?

A fee equivalent of EUR 1,750 determined based on the average exchange rate announced by the National Bank of Poland on the date the license is granted is collected for granting the license. It is possible to pay the fee in two installments.

## License design

godło państwa (strona czołowa)  
RZECZPOSPOLITA POLSKA

oznaczenie organu

LICENCJA nr .....  
na ..... \*

Na podstawie art. 45 ustawy z dnia 28 marca 2003 r. o transporcie kolejowym (Dz. U. Nr 86, poz. 789)

udzielam licencji na ..... \* dla

Nazwa przedsiębiorcy:  
Siedziba (adres):  
Numer w rejestrze przedsiębiorców:  
Licencji udziela się na czas nieokreślony.  
Udzielono dnia ..... r.

POUCZENIE

Stronie niezadowolonej z niniejszej decyzji przysługuje prawo zwrócenia się z wnioskiem o ponowne rozpatrzenie sprawy do organu udzielającego licencji, w terminie 14 dni od dnia doręczenia decyzji (art. 127 § 3 k.p.a.).

(pieczęć okrągła z godłem państwa)

(podpis i pieczęć organu udzielającego licencji)

\* Wpisać odpowiednio:  
wykonywanie przewozów kolejowych osób,  
wykonywanie przewozów kolejowych rzeczy,  
udostępnianie pojazdów trakcyjnych.

## What does the process of considering the license application look like?

### Filing the application

In the first phase of the process the applicant, i.e. the undertaking applying for the license, fills in the application form. It can be sent by post or submitted directly at UTK premises. Applications are considered according to the dates of filing.

### Verification of the application

After receiving the application, UTK verifies the application and the documentation enclosed to application with regard to formal-legal aspects (including the compliance and cohesion of documents and information). If the application meets all requirements, the President of UTK initiates administrative proceedings.

**If the application is incomplete, it will be not considered**

Note: If UTK does not receive all the documents, declarations or information, the President of UTK calls on the applicant to complete the application or documents enclosed to it within the preset deadline. The deadline is 7, 14 or 21 days from the date of the summons delivery, depending on the different degrees of difficulties related to:

- obtaining documents necessary to be enclosed to the application from different public institutions,
- developing the contents of documents to be enclosed to the application.

Then, the President of UTK verifies the application and the documentation enclosed to application with regard to:

- accounting aspects (in relation to material data included in the documents),
- content-related aspects (in relation to the content of all submitted documents and information).

In case of doubts as to content-related aspects, UTK informs the interested party of identified lacks.

In case of doubts, or when a legal opinion is necessary, the Department of Railway Transport Regulation at UTK applies to the Organizational-Legal Department of UTK, the Ministry of Transport and UOKiK. The aim of informing UOKiK is to obtain the opinion of the President of UOKiK, which is essential in making a decision by the President of UTK that the infrastructure manager may:

- perform passenger transport provided that separate accounting records will be maintained in relation to the railway infrastructure management and railway transports performance;
- perform passenger and goods transport on an organizationally separated railway line without the requirement to maintain separate accounting records, provided that the line is not made available to railway undertakings (art. 5 par. 4 item 2).

**Accepting the application**

After analyzing the application together with enclosed documents with regard to the applicant meeting the requirements set in *the Act*, i.e.:

- good reputation;
- financial credibility;
- professional competence;
- having rolling stock at disposal;
- civil liability,

Department of Railway Transport Regulation at UTK calls on the geographically appropriate local department of UTK for an opinion on the entity applying for the license. The opinion should contain data on the market position of the entity applying for the license.

The applicant should be informed of the possibility to examine the case documentation before the administrative decision is issued (KPA, art. 10 par. 1).

**Granting the license or refusal to grant the license**

If an administrative decision which refuses to grant the license is issued, UTK sends the decision to the applicant as a registered letter with advice of delivery. In case of granting the license, UTK informs the applicant of the date of granting the license and of the fee to be paid. According to applicant's will, the license can be submitted to the applicant by post, in a registered letter with advice of delivery, or obtained at the premises of UTK. Subsequently, UTK enters the new licensed railway undertaking in the "Register of Licensed Railway Undertakings" and informs the European Commission accordingly. Then UTK updates information on its website with the new license.

**Control over meeting the conditions set in the license**

The President of UTK is authorized to control whether railway undertakings meet the requirements set in their licenses. The President of UTK orders exercising periodic controls of the railway undertaking to which the license was granted, to the scope of abiding the conditions specified in the license (art. 52 par. 1).

**The manner of  
executing  
control is  
discussed in  
“Control over  
railway  
undertakings”**

It is important to remember that according to the Ministry of Infrastructure's Regulation of 28 June 2003 on the course of submitting and considering applications for granting license for running economic activities comprising in performing passenger or goods railway transport or in providing access to traction vehicles, as well as the license form (Annex, item 5 of Explanations to the license form), the license holder is obliged to inform UTK in writing of any change in the conditions included in the license.

## When is it necessary to re-confirm the license?

In case **a change occurs which impacts the legal position** of the licensed railway undertaking (e.g. in case of a merger or acquisition of the railway undertaking), the railway undertaking must inform the President of UTK of the situation. If the President of UTK concludes that there is a threat of safety issues related to the railway undertaking's operations, he may decide that the license needs to be re-confirmed (art. 51a par. 1).

If a licensed railway undertaking intends to **change or expand its operation** considerably, it informs the President UTK who calls on the railway undertaking to re-confirm the license (art. 51a par. 2).

If **a railway undertaking did not run the licensed operation for the period of 6 months or did not start the operation within 6 months** since obtaining the license, the President of UTK may decide on the need to re-confirm or suspend the license (art. 51a par. 3).

## When the license must be suspended?

The President of UTK is obliged to suspend the license if the railway undertaking (art. 52 par. 1a):

- does not meet the requirements set in *the Act*;
- did not fulfill the obligations set in its declarations in the periods specified in those declarations;
- which performs international railway transport does not comply with the rules set in appropriate international agreements to which the Republic of Poland is a party.

## When the license must be revoked?

The President of UTK revokes the license if (art. 52 par. 2):

- the railway undertaking has lost the right to perform economic activity included in the license under a valid judicial decision;
- bankruptcy proceedings or other proceedings of a similar nature have been initiated against the railway undertaking, and the undertaking has no real chances for financial restructuring;
- the railway undertaking did not amend the irregularities based on which the license had been revoked within the deadlines set forth by the President of UTK.

**Further  
information**

Additional information on the licensing procedure can be obtained in the Licensing Division of the Department of Railway Transport Regulation at UTK (tel. +48 22 630 18 64).

# Safety

In order to conduct activities to the scope of railway transport it is not enough to obtain the license. The railway undertaking must also meet the legal requirements regarding safety issues. It should be remembered that the safety requirements concern not only railway undertakings, but also infrastructure managers and railway sidings' users. The safety regulations are unified across the European Union and derive from Directives and Regulations:

## European regulations

- Council Directive 91/440/EEC on the development of the Community's railways (with further amendments)
- Directive 2004/49/EC of the European Parliament and of the Council on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of fees for the use of railway infrastructure and safety certification
- Directive 2007/59/EC of the European Parliament and of the Council on the certification of train drivers operating locomotives and trains on the railway system in the Community
- Regulation (EC) No 881/2004 of the European Parliament and of the Council establishing a European Railway Agency
- Commission Regulation (EC) No 653/2007 on the use of a common European format for safety certificates and application documents in accordance with Article 10 of Directive 2004/49/EC of the European Parliament and of the Council and on the validity of safety certificates delivered under Directive 2001/14/EC

The list above, however, should not be considered complete, as numerous other normative acts and technical documents touch on the safety aspects. One should stress in particular the relationship between safety directive and interoperability directives governing the Community's railways, the TSI and harmonized standards.

## National regulations

In the Polish legal system, safety issues are regulated by *the Railway Transport Act of 28 March 2003*, and especially art. 18-19 thereof. Moreover, the procedures for introducing safety regulations are regulated by the following legal acts:

- The Act of 14 June 1960 – Code of Administrative Procedure
- The Ministry of Infrastructure's Regulation of 16 August 2004 on the list of positions directly associated with railway traffic operation and safety, as well as conditions to be met by the

persons filling these posts and driving railway vehicles

- The Ministry of Infrastructure's Regulation of 18 July 2005 on the general conditions for railway traffic operation and signalization
- The Ministry of Infrastructure's Regulation of 12 October 2005 on the general technical conditions for railway vehicles' exploitation
- The Ministry of Transport's Regulation of 31 May 2006 on the railway vehicles' register and the manner of marking railway vehicles
- The Ministry of Transport's Regulation of 2 November 2006 on the documents that should be present in a railway vehicle
- The Ministry of Transport's Regulation of 5 December 2006 on the manner of obtaining safety certificate
- The Ministry of Transport's Regulation of 12 March 2007 on the conditions and course of issuing, prolonging, changing and revoking safety authorization, safety certificates and safety licenses
- The Ministry of Transport's Regulation of 19 March 2007 on the safety management system in railway transport
- The Ministry of Transport's Regulation of 30 April 2007 on serious accidents, accidents and incidents on railway lines
- The Ministry of Infrastructure's Regulation of 19 December 2007 on the information on common safety indicators (CSI)
- The Ministry of Infrastructure's Regulation of 29 February 2008 on the activities performed by the President of UTK for which fees are collected, the amount of these fees and the method of their collection

As in the case of the UE laws, the above list neither must be considered complete. One should point in particular to the fact that during the process of verifying whether safety requirements are met one should consider all legal acts stemming from the respective EU laws. .

## Who and what is the object of safety certification?

**The ability of infrastructure managers, railway undertakings and railway siding users to meet the safety standards** (in particular, by meeting the technical and organizational conditions that assure safe rail traffic operation, safe operation of railway vehicles, fire protection and environmental protection) is confirmed during the process of safety certification.

Documents associated with confirming by the undertaking of the execution of obligations regarding safety issues are divided using the criterion of two different approaches:

- the previous approach, in which the key document is the safety license (based on Directives 1995/18/WE and 2001/14/WE);
- the new Community approach, under which the entity's ability to fulfill specified safety conditions is certified by a safety certificate or a safety authorization granted by the national safety authority.

The infrastructure managers and railway undertakings that hold safety licenses are obliged to apply to UTK for a safety certificate or a safety authorization before 30 June 2010. The President of UTK grants this document (or refuses to grant it) within four months since the date of submitting the application.

The safety certificate<sup>2</sup> is a document authorizing the railway undertaking to gain access to railway infrastructure (art. 18 par. 2 item 2).

The following railway undertakings are exempt from the obligation to obtain safety certificate:

- those providing transport exclusively on the railway lines which are functionally separated from the rest of the railway system and designed to transport passengers within agglomerations and regions;
- those providing transport exclusively on private railway infrastructure which is used exclusively by its owners to carry their own freight.

Safety authorization is a document authorizing the infrastructure manager to manage the railway infrastructure (art. 18 par. 1 item 1).

The following infrastructure managers are exempt from the obligation to obtain safety authorization:

- the managers whose railway lines are functionally separated from the rest of the railway system and designed to transport passengers within agglomerations and regions;
- the managers who are owners of private railway infrastructure used exclusively by its owners to carry their own freight.

Safety license is a document authorizing (art. 18 par. 1 item 3; art. 18 par. 2; art. 18 par. 3):

- infrastructure managers whose railway lines are functionally separated from the rest of the railway system and designed to transport passengers within agglomerations and regions to manage that railway infrastructure;
- infrastructure managers who are owners of private railway infrastructure used exclusively by its owners to transport their own freight to manage that railway infrastructure;
- railway undertakings providing transport exclusively on the railway lines which are functionally separated from the rest of the railway system and designed to transport passengers within agglomerations and regions to provide that transport;
- railway undertakings providing transport exclusively on private railway infrastructure used exclusively by its owners to carry their own freight to provide that transport;
- railway siding users to exploit the sidings.

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<sup>2</sup> Polish language differentiates between the safety certificate (*certyfiikat bezpieczeństwa*) in the meaning of EU Directive 2004/49) and the safety certificate (*świadcetwo bezpieczeństwa*) understood as a document issued to entities which are not required to obtain safety certificate in the upper meaning or a safety authorization (this other type of certificate does not derive from EU regulations). For reasons of clarity, throughout this guide we will use a **safety certificate** in the meaning according to Directive 2004/49, and a **safety license** as a term which has the second meaning cited above.

## What do particular documents contain?

Safety certificate is a document confirming the establishment by the railway undertaking of a safety management system and the undertaking's ability to meet the requirements included in technical specifications of interoperability and other EU and national regulations.

Safety certificate defines the type and scope of the railway activities and contains:

- Part A which confirms acceptance of the safety management system and is valid on the whole EU territory,
- Part B, which is a network part, and confirms the acceptance of internal regulations by the railway undertaking in order to meet the requirements necessary to safely operate on a given railway network<sup>3</sup>.

The safety certificate may span the entire network of a member state or only a specified part of that network. All material amendments to the type and scope of a railway undertaking's activity require according amendments of the certificate (in whole or in part).

Safety certificate for a given type of activity is valid on the entire EU territory (in Part A).

Safety certificates are issued by the President of UTK for the period of five years and are prolonged every five years upon the railway undertaking's application (art. 18b).

Safety authorization is a document confirming the establishment by the infrastructure manager of the safety management system and the ability to meet the requirements necessary to safely design, exploit and maintain railway infrastructure.

Safety authorization contains:

- Part A which confirms acceptance of the safety management system;
- Part B which confirms acceptance of internal regulations in order to meet the requirements necessary to safely design, exploit and maintain the railway infrastructure, including the system of surveillance of railway traffic and respective signaling.

Safety authorization is issued by the President of UTK for the period of five years and is prolonged every five years upon the infrastructure manager's application (art. 18a).

Safety license is a document confirming the ability to perform safe railway traffic and provide railway transport; the license is issued to the entities which are not required to obtain a safety certificate or a safety authorization, and to railway siding users.

## Safety management systems

Infrastructure managers and railway undertakings are obliged to develop safety management systems in railway transport in order to assure that the railway system able to meet the common safety targets (CST) is compatible with the requirements of the national safety regulations and the safety requirements set in TSI, using the common safety methods (CSM) (art. 17a par. 1).

Basic requirements and elements of the safety management system in railway transport are listed in art. 4 of the Ministry of Transport's Regulation of 19 March 2007 on the safety management system in railway transport.

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<sup>3</sup> The requirements apply to use of TSI and national safety regulations, use of railway staff certification and possession by the railway undertaking of licenses for exploitation of a type of railway vehicle.

## How to obtain the document certifying the ability to meet safety standards?

At the beginning of the process of obtaining the document certifying the ability to meet safety standards, the entity must submit to UTK the application for obtaining a safety certificate, safety authorization or safety license (in writing), together with annexes. Applications should be submitted by post or directly at the UTK's premises, with confirmation of acceptance. The documents to be enclosed to the application for safety certifications depend on the type of the certification the entity is applying for.

The process should begin with obtaining the safety certificate or safety authorization in the part which confirms acceptance of safety management system (part A). To this end, the entity should submit the description of its safety management system which meets the requirements of art. 17a of the Railway Transport Act and the Ministry of Transport's Regulation of 19 March 2007 on the safety management system in railway transport (the Ministry of Transport's Regulation of 5 December 2006 on the manner of obtaining safety certificate, art. 2).

The documents necessary to apply and those enclosed to the application to obtain part B of the safety certificate or safety authorization as well as to obtain the safety license are listed below.

<b>Safety certificate for the domestic railway undertaking and for the railway undertaking from another member state of EU or EFTA (Part A)</b>	<b>Notes</b>
<b>Application should include:</b>	
name of the undertaking, its registered seat and address;	
names of the persons entitled to represent the undertaking;	
kinds of transportation that the application concerns and estimated total amount of cargo/ number of passengers;	
time of start up;	
information on the undertaking	Micro, small, medium-size or large undertaking
<b>Documents attached as annexes to the application:</b>	
abstract of safety management system's instruction;	
copy of the license for the economic activity consisting in passenger or freight railway transport, or in providing traction services.	If applicable

Note: It should be remembered that the documents should be certified as 'true copies' by the entitled person. The application forms and necessary attachments should be prepared in Polish, or should be certified translations into Polish.



Safety certificate for the domestic railway undertaking (Part B)	Notes
<b>Application should include:</b>	
name of the undertaking, its registered seat and address;	
names of the persons entitled to represent the undertaking.	
<b>Documents attached as annexes to the application:</b>	
copy of the license for economic activity consisting in passenger or freight railway transport, or in providing traction services;	if applicable
safety certificate in the part which confirms acceptance of the safety management system;	
copy of the insurance policy or financial coverage to the scope of civil liability, enclosed to the license;	According to art. 9 of Directive 95/18/EC: A railway undertaking shall be adequately insured or make equivalent arrangements, for cover, in accordance with national and international law, of its liabilities in the event of accidents.
list of necessary regulations and TSI with reference to the processes within the safety management system and the documentation showing how these regulations are implemented	The applicant shall submit a list of documentation or the documentation itself regarding the TSI or parts of the TSI and, where relevant, of the national safety standards as well as other regulations regarding employees, rolling stock and, in general, the services intended to be rendered based on the requested certificate. Clear reference should be made to the processes and documents with respect to which TSI are applicable and implemented. Only a summary documentation should be submitted concerning elements that comply with TSI and other requirements of Directives 96/48/EC and 2001/16/EC.
list of different categories of staff, either employed or contracted;	The applicant shall submit a complete list of the different categories of staff employed or contracted for services intended to be operated based on the requested certificate. The list of categories of staff shall comply with the national and network-specific categorization rules.
description of staff-related processes of the safety management system required by national regulations or TSI and reference to relevant national certificates where necessary;	The applicant shall submit a description or evidence of those processes within the safety management system that are related to staff, including evidence that they meet the requirements of the national regulations and/or relevant TSI and that the staff has been duly certified.



Safety certificate for the domestic railway undertaking (Part B)	Notes
list of different types of rolling stock;	The applicant shall submit a complete documentation on the different types of rolling stock intended to be operated based on the requested certificate. The types of rolling stock shall comply with the national and network-specific rules that govern their categorization.
description of rolling stock-related processes in the safety management system required by the national regulations or TSI and reference to the relevant national certificates where necessary;	The applicant shall submit a description or evidence of those processes within the safety management system that are related to rolling stock, including evidence that they meet requirements of the national regulations and/or relevant TSI and that the rolling stock has been duly certified.
<b>Documents attached as annexes to the application:</b>	
excerpt from the register of entrepreneurs or a certified excerpt from the business activity register;	
a copy of the REGON statistical identification number certificate;	
a copy of the decision on assignment of the NIP taxpayer identification number;	
a copy of the contract with the infrastructure manager for access to railway network, with the description of railway lines on which business activity will be conducted and, in case of railway freight, with the list of types of transported goods;	
a list of licenses for exploitation of a type of railway vehicle issued by the President of UTK – for the exploited railway vehicles, including railway engines and wagons;	As a result of gradual implementation of the European law, licenses for exploitation of a type of railway vehicle may be replaced by appropriate certificates of sub-system verification and/or conformity certificates of the interoperability constituents, or certificates of the suitability for use of the interoperability constituents.
a statement that the railway undertaking has technical efficiency certificates for the exploited railway vehicles, including railway engines and wagons;	
a statement confirming that the posts directly associated with railway traffic operation and safety are filled by employees meeting the conditions specified in EU and national regulations;	
a list of internal regulations specifying technical rules and requirements concerning exploitation and maintenance of railway vehicles.	

Note: It should be remembered that the documents should be certified as 'true copies' by the entitled person.

<b>Safety certificate for the railway undertaking from other EU or EFTA member state (Part B)</b>	<b>Notes</b>
<b>Application should include:</b>	
name of the undertaking, its registered seat and address;	
<b>Documents attached as annexes to the application:</b>	
copy of the license for economic activity consisting in passenger or freight railway transport, or in providing traction services;	if applicable
safety certificate in the part which confirms acceptance of the safety management system;	
copy of the insurance policy to the scope of civil liability or financial coverage to that scope, enclosed to the license;	compatible with national and international regulations ; notes as in: "Safety certificate for the national railway undertaking".
list of necessary regulations and TSI regarding processes in the safety management system and documents describing how they are implemented;	notes as in: safety certificate for the national railway undertaking
list of different categories of staff, either employed or contracted;	as mentioned above
description of staff-related processes of the safety management system required by national regulations or TSI, and a reference to the relevant national certificates where necessary;	as mentioned above
list of different types of rolling stock;	as mentioned above
description of rolling stock-related processes in the safety management system required by national regulations or TSI, and reference to the relevant national certificates where necessary;	as mentioned above
<b>Documents attached as annexes to the application:</b>	
excerpt from the register of entrepreneurs;	
a copy of the contract with the infrastructure manager for access to railway network, with the description of railway lines on which the business activity will be conducted and, in case of railway freight, with the list of types of transported goods;	
a list of licenses for exploitation of a type of railway vehicle issued by the President of UTK – for the exploited railway vehicles, including railway engines and wagons;	
a statement that the railway undertaking has technical efficiency certificates for the exploited railway vehicles, including railway engines and wagons;	
a list of internal regulations specifying technical rules and requirements concerning exploitation and maintenance of railway vehicles;	
a statement that the employees participating in the transport process speak Polish	

Note: Application forms and necessary documents should be prepared in Polish or should be certified translations into Polish.

Safety authorization (Part A)*	Notes
<b>Application should include:</b>	
name of the undertaking, its registered seat and address;	
names of the persons entitled to represent the undertaking;	
<b>Documents attached as annexes to the application:</b>	
information on the safety management system .	

Note: It should be remembered that the documents should be certified as 'true copies' by the entitled person..

\* Current regulations do not specify the requirements necessary to obtain the safety authorization. The information above was developed based on the current regulations in force.

Safety authorization (Part B)*	Notes
<b>Application should include:</b>	
name of the undertaking, its registered seat and address;	
names of the persons entitled to represent the undertaking.	
<b>Documents attached as annexes to the application:</b>	
excerpt from the register of entrepreneurs or a certified excerpt from the business activity register;	
a copy of the REGON statistical identification number certificate;	
a copy of the decision on the assignment of the NIP taxpayer identification number;	
information on the previous business activity of the applicant; information on internal regulations for fulfilling by the infrastructure manager conditions for safe designing, exploitation and maintaining infrastructure, and in particular the system of surveillance of railway traffic and the respective signaling.	

Note: It should be remembered that the documents should be certified as 'true copies' by entitled person..

\* The current regulations do not specify the requirements necessary to obtain the safety authorization. The information above was developed based on the current regulations in force.

Safety license for the infrastructure manager	Notes
<b>Application should include:</b>	
name of the undertaking, its registered seat and address;	
names of the persons entitled to represent the undertaking.	
<b>Documents attached as annexes to the application:</b>	
a list of licenses for exploitation of a type of buildings or type of installations designed for railway traffic operation and licenses for exploitation of a type of railway vehicle;	As a result of gradual implementation of the European law, the licenses for exploitation of a type of railway vehicle may be replaced by appropriate certificates of sub-system verification and/or conformity certificates of the interoperability constituents or certificates of the suitability for use of the interoperability constituents.

<b>Safety license for the infrastructure manager</b>	<b>Notes</b>
a statement that the infrastructure manager holds technical efficiency certificates for the exploited railway vehicles;	
a list of internal regulations specifying rules and requirements concerning safe railway traffic operation and railway infrastructure maintenance, as well as internal regulations concerning maintenance of railway vehicles in of exploitation;	
a statement confirming that the posts directly associated with railway traffic operation and safety are filled by employees meeting the conditions specified in the Ministry of Infrastructure's Regulation of 16 August 2004 on the list of positions directly associated with railway traffic operation and safety, as well as conditions to be met by the persons filling these posts and driving railway vehicles;	
<b>Documents attached as annexes to the application:</b>	
up-to-date excerpt from the entrepreneurs register of the National Court Register (KRS). The application should be signed by the persons authorized in KRS to represent the entity;	
a document confirming paying the fee.	

Note: It should be remembered that the documents should be certified as 'true copies' by the entitled person.

<b>Safety license for the railway undertaking</b>	<b>Notes</b>
<b>Application should include:</b>	
name of the undertaking, its registered seat and address;	
names of the persons entitled to represent the undertaking.	
<b>Documents attached as annexes to the application:</b>	
a list of licenses for exploitation of a type of railway vehicle;	As a result of gradual implementation of the European law, the licenses for exploitation of a type of railway vehicle may be replaced by appropriate certificates of sub-system verification and/or conformity certificates of the interoperability constituents or certificates of the suitability for use of the interoperability constituents.
a statement that the railway undertaking has technical efficiency certificates for the exploited railway vehicles;	
a list of internal regulations specifying technical conditions as well as rules and requirements associated with railway vehicles' maintenance and exploitation;	
a statement confirming that the posts directly associated with railway traffic operation and safety are filled by employees meeting the conditions specified in the Ministry of Infrastructure's Regulation of 16 August 2004 on the list of positions directly associated with railway traffic operation and safety, as well as conditions to be met by the persons filling these posts and driving railway vehicles;	

<b>Safety license for the railway undertaking</b>	<b>Notes</b>
<b>Documents attached as annexes to the application:</b>	
up-to-date excerpt from the entrepreneurs register of the National Court Register (KRS). The application should be signed by the persons authorized in KRS to represent the entity;	
a document confirming paying the fee.	

Note: It should be remembered that the documents should be certified as 'true copies' by the entitled person.

<b>Safety license for the railway siding user</b>	<b>Notes</b>
<b>Application should include:</b>	
name of the undertaking, its registered seat and address;	
names of the persons entitled to represent the undertaking.	
<b>Documents attached as annexes to the application:</b>	
a list of licenses for exploitation of a type of buildings or type of installations designed for railway traffic operation;	As a result of gradual implementation of the European law, the licenses for exploitation of a type of railway vehicle may be replaced by appropriate certificates of sub-system verification and/or conformity certificates of the interoperability constituents, or certificates of the suitability for use of the interoperability constituents.
a list of licenses for exploitation of a type of railway vehicles;	
a statement that the railway siding user has technical efficiency certificates for the exploited railway vehicles;	
a list of internal regulations specifying technical conditions as well as rules and requirements concerning safe railway traffic operation and railway infrastructure maintenance, as well as rules and requirements associated with railway vehicles' maintenance and exploitation, or a statement of applying the approved internal regulations of the manager, to which the siding is connected or those of the railway undertaking operating the siding;	
a statement confirming that the posts directly associated with railway traffic operation and safety are filled by employees meeting the conditions specified in the Ministry of Infrastructure's Regulation of 16 August 2004 on the list of positions directly associated with railway traffic operation and safety, as well as conditions to be met by the persons filling these posts and driving railway vehicles;;	
railway siding's operation regulations agreed by the manager of the railway infrastructure to which the railway siding is connected.	
<b>Documents attached as annexes to the application:</b>	
up-to-date excerpt from the entrepreneurs register of the National Court Register (KRS). The application should be signed by the persons authorized in KRS to represent the entity;	
a document confirming the proprietary right to railway siding or actual management of the railway siding based on another legal title;	
a document confirming paying the fee.	

Note: It should be remembered that the documents should be certified as 'true copies' by entitled person.

## How much does the safety certification cost?

### **Safety certificate**

The first part of the fee is paid upon submitting the application form – 100% of the minimum fee for the given type of activities (7 000 PLN when applying for the safety certificate). The remaining portion of the fee is paid when the safety certificate is issued. The fee depends on the labor-consumption of the process of issuing the safety certificate. The fees for issuing, prolonging and amending safety certificates are specified in the Annex to the Ministry of Infrastructure's Regulation of 29 February 2008 on the activities performed by the President of UTK for which fees are collected, the amount of these fees and the method of their collection.

### **Safety authorization**

The first part of the fee is paid upon submitting the application form – 100% of the minimum fee for the given type of activities (7 000 PLN when applying for the safety authorization). The remaining portion of the fee is paid when the safety authorization is issued. The fee depends on the labor-consumption of the process of issuing the safety authorization. The fees for issuing, prolonging and amending safety authorizations are specified in the Annex to the Ministry of Infrastructure's Regulation of 29 February 2008 on the activities performed by the President of UTK for which fees are collected, the amount of these fees and the method of their collection.

### **Safety license**

The first part of the fee is paid upon submitting the application form – 100% of the minimum fee for the given type of activities (3 000 PLN when applying for the safety license). The remaining portion of the fee is paid when the safety license is issued. The fee depends on the labor-consumption of the process of issuing the safety license. The fees for issuing, prolonging and amending safety licenses are specified in the Annex to the Ministry of Infrastructure's Regulation of 29 February 2008 on the activities performed by the President of UTK for which fees are collected, the amount of these fees and the method of their collection.

## What does the process of considering safety certification application look like?

### **Submitting the application**

In the first phase the applicant, i.e. the entity which applies for obtaining the safety certificate, authorization or license submits the application form. The form can be sent by post or submitted directly at UTK's premises.

### **Considering the application**

After receiving the application form, UTK initiates the administrative proceeding, during which it verifies the application and enclosed documents.

### **If the application is not complete, it will not be considered**

Note: In case of lack of documents, statements or information, or incorrect documents, statements or information the President of UTK calls on the applicant to complete the application or documents enclosed to the application within the preset deadline

### **Issuing the safety certification**

The President of UTK decides on issuing safety certificates and safety authorizations, in the part regarding safety management systems, within 3 months since submission of the application (art. 18c). The President of UTK issues or denies issuing the safety certificate during the period of 4 months since the application submission (The Act from 22 July 2006 amending the Railway Transport Act, art. 3 par. 2).

### **Possibility of prolonging the safety certification**

Since safety certificates, authorizations and licenses are valid for five years, they are prolonged every five years upon the application of the railway undertaking, infrastructure manager and railway siding user (art. 18b par. 4, art. 18a par. 3). The prolongation of safety authorizations, safety certificates and safety licenses is done by the President of UTK, and the respective application (in writing) must be submitted four months before the end of validity of those documents.

Note: Within the scope of supervision over the issued certificates and authorizations UTK may undertake activities aimed at verifying the continuous fulfillment of conditions upon which these documents are granted.

## **When the safety certification needs to be amended?**

### **Safety certificate**

In case of changes to type and scope of activities, new employees' category or a new type of railway vehicles, the railway undertaking immediately informs the President of UTK of the change. Substantial changes to the type and scope of activities require an according amendment of the safety certificate (in whole or in part) (art. 18b par. 5).

The President of UTK may amend parts of safety certificates each time the safety regulations change (art. 18b par. 6).

Appropriate fee must be paid to obtain, prolong and amend the safety certificate.

### **Safety authorization**

In case of substantial changes to the railway infrastructure, signaling, electricity supply or railway infrastructure exploitation and maintenance rules, the safety authorization's holder immediately informs the President of UTK of the change (art. 18a par. 4). Then the safety authorization shall be immediately updated (in whole or in part) (art. 18a par. 5).

The President of UTK may require the infrastructure manager to amend the safety authorization each time safety regulations change (art. 18a par. 6 item 1).

Appropriate fee must be paid in order to obtain, prolong or amend the safety authorization.

### **Safety license**

The regulations do not determine the safety license needs to be amended.

## **When the safety certification is suspended or revoked?**

### **Safety certificate**

The President of UTK revokes the safety certificate (in whole or in part) when the railway undertaking:

- does not meet the requirements for obtaining the safety certificate, defining the grounds for that decision;
- did not start operating within 12 months since obtaining the safety certificate (art. 18b par. 8).

### **Safety authorization**

The President of UTK may revoke the safety authorization, defining the grounds for that decision, if the President of UTK recognizes that the infrastructure manager does not meet the safety requirements (art. 18a par. 6 item 2).

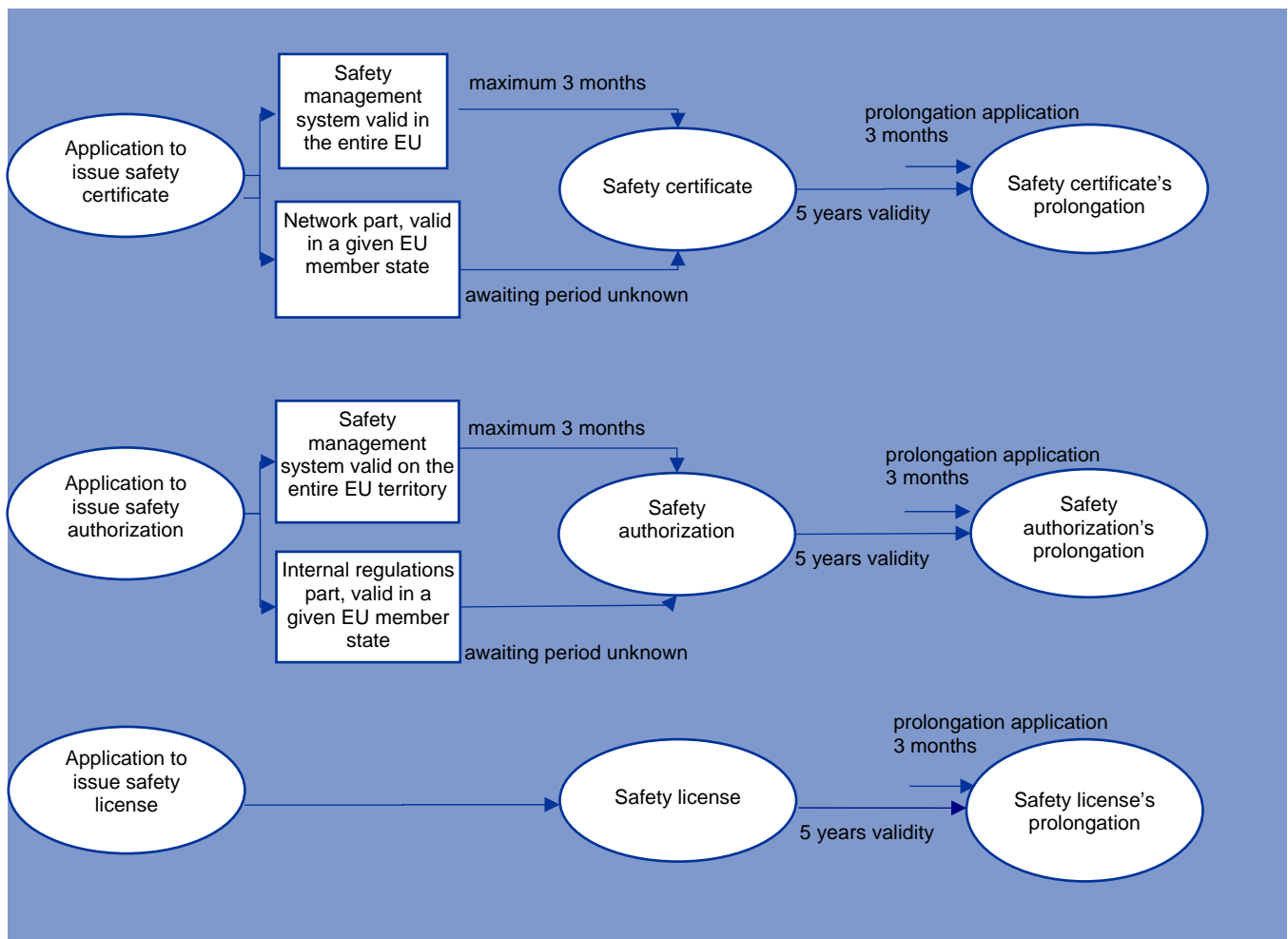
### **Safety license**

The President of UTK may revoke the safety license when the infrastructure manager, the railway undertaking or the railway siding user (the Ministry of Transport's Regulation of 12 March 2007 on the conditions and course of issuing, prolonging, changing and revoking safety authorization, safety certificates and safety licenses, art. 9):

- does not meet the requirements for obtaining the safety license,

- runs operations which threaten railway traffic's or transport's safety, or safe railway vehicles exploitation, fire protection or environmental protection;
- does not eliminate the discrepancies set in art. 14 par. 1 of the Railway Transport Act. The process of considering applications for the safety certificate, authorization or license.

### The process of considering applications for the safety certificate, authorization or license



### What is the obligation to conduct trainings for employees associated with safety?

Obtaining the safety certificate may depend on providing trainings for engine drivers and staff accompanying the trains, as well as fair and non-discriminatory access to training facilities for railway undertakings' employees (art. 18d). The possibility to participate in trainings and non-discriminatory access to training facilities should be also assured for the employees of infrastructure manager who perform essential tasks regarding the railway safety. When performing this obligation, railway undertakings and infrastructure managers should take into account the employees' qualifications acquired previously from other railway undertakings.



Trainings are organized by railway undertakings and infrastructure managers which are responsible for the level of training and qualifications of employees performing safety tasks. The railway undertaking or infrastructure manager which organizes the training or examination, shall issue to the interested employee the document attesting to his participation in the training or passing the examination. If the railway undertaking or infrastructure manager is not able to organize training or carry out the examination, the entity directs the employee to another railway undertaking or infrastructure manager (for a fee). The fee for training or examination constitutes the income of entities which organize training or carry out the examination. The fee for training and examination should reflect only justified costs and a small profit margin, not higher than 10% of the costs. The fee is set using non-discriminatory rules.

The training services should include knowledge of railway routes, operating rules and procedures, the signaling and control command system and the emergency procedures. Control over the trainings and the examination is exercised, to the scope of conformity with the safety requirements, by the President of UTK.

**Changes resulting from the Directive 2007/59/WE**

Implementation into the national legal system of the Directive 2007/59/EC of the European Parliament and of the Council on the certification of train drivers operating locomotives and trains on the railway system in the Community, which will be executed no later than 4 December 2009, will result in introduction of new obligations regarding the training and examination of engine drivers.

Internal regulations of infrastructure managers, railway undertakings and railway siding users are based on the Ministry of Infrastructure's Regulation of 18 July 2005 on the general conditions for railway traffic operation and signalization. In other aspects, internal regulations of the infrastructure managers, railway undertakings and railway siding users may stem from other regulations.

## What does the process of internal regulations' approval by the President of UTK look like?

The President of UTK approves internal regulations of infrastructure managers, railway undertakings and railway siding users. In order to obtain approval of its internal regulations by the President of UTK, the infrastructure manager, railway undertaking or railway siding user must submit the respective application (the model application is published on the UTK's website) and pay stamp duty (10 PLN for the decision on approving internal regulations and 17 PLN if a power of attorney or power of procreation, or an excerpt from or a copy thereof is submitted).

The application for approval of internal regulations should be completed with the certified money transfer document, confirming payment of stamp duty and signed in line with the KRS. The applications should be submitted:

- at UTK's premises – by infrastructure managers or railway undertakings;
- at the geographically appropriate Local Department of UTK – by railway siding users.

**Further information**

Further information on the procedure of obtaining safety certificates, authorizations and licenses, employees' training and the internal regulations' approval may be obtained at the Traffic Safety Management Division of the Department of Exploitation Control and Traffic Safety of UTK (telephone number to the Department's secretariat: +48 22 630 19 47).

# Rolling stock and railway infrastructure usage

This section of the guide presents remaining requirements related to rolling stock and railway infrastructure usage that have to be met so that the railway undertaking is allowed to operate on the railway transport market.

## Licenses for exploitation

### National regulations

In the Polish legal system, issues of licenses for exploitation are regulated by the Railway Transport Act of 28 March 2003, particularly by art. 23 thereof. Moreover, the procedures related to introducing legislation concerning licenses for exploitation are regulated by the following legal acts:

- The Act of 14 June 1960 – Code of Administrative Procedure
- The Ministry of Transport and Maritime Economy's Regulation of 10 September 1998 on technical conditions for railway buildings and their location
- The Ministry of Infrastructure's Regulation of 26 September 2003 on the list of types of buildings or installations designed for railway traffic operation and types of railway vehicles for which licences for exploitation are issued
- The Ministry of Infrastructure's Regulation of 30 April 2004 on the licences for exploitation of types of buildings or installations designed for railway traffic operation and types of railway vehicles
- The Ministry of Infrastructure's Regulation of 12 October 2005 on the general technical conditions for railway vehicles' exploitation
- The Ministry of Transport's Regulation of 31 May 2006 on the railway vehicles' register and the manner of marking railway vehicles
- The Ministry of Transport's Regulation of 2 November 2006 on the documents that should be present in a railway vehicle
- The Ministry of Infrastructure's Regulation of 29 February 2008 on the activities performed by the President of UTK for which fees are collected, the amount of these fees and the method of their collection

## Who is obliged to hold a license for exploitation?

Railway undertakings, infrastructure managers or railway siding users apply for license for exploitation at the moment of first usage of a given type of structures and installations designed for railway traffic operations, or at the moment of first usage of a specified type of railway vehicle, regardless if any other railway undertaking, infrastructure manager or railway siding user has already acquired a license for the same type of installation or technical equipment. The reason is that an infrastructure manager, railway undertaking or railway siding user as well as an entity performing transport within the siding could only exploit the types of buildings and installations for which the President of UTK has issued the license for exploitation.

A specification of entities that are obliged to obtain the license for exploitation is included in the Ministry of Infrastructure's Regulation of 26 September 2003 on the list of types of buildings or installations designed for railway traffic operation and types of railway vehicles for which licences for exploitation are issued, art. 1, and in the Ministry of Infrastructure's Regulation of 30 April 2004 on the licences for exploitation of types of buildings or installations designed for railway traffic operation and types of railway vehicles, art. 2-4.

## How to obtain a license for exploitation?

To obtain a license for exploitation, the interested party must submit the application to the President of UTK, along with results of tests performed by the entity authorized to conduct examinations that are necessary to obtain the license for exploitation.

### The list of authorized entities

Centrum Naukowo-Techniczne Kolejnictwa ul. Chłopickiego 50 04-275 Warszawa	Instytut Badawczy Dróg i Mostów ul. Jagiellońska 80 03-215 Warszawa	Instytut Elektrotechniki ul. Pożaryskiego 28 04-703 Warszawa
Instytut Pojazdów Szynowych „Tabor” ul. Warszawska 181 61-055 Poznań	Politechnika Gdańska ul. Narutowicza 11/12 80-952 Gdańsk	Politechnika Krakowska im. Tadeusza Kościuszki ul. Warszawska 24 31-155 Kraków
Politechnika Radomska im. Kazimierza Pułaskiego ul. Malczewskiego 29 26-600 Radom	Politechnika Śląska Instytut Transportu ul. Krasińskiego 8 40-019 Katowice	Politechnika Warszawska Plac Politechniki 1 00-661 Warszawa

The scope of tests necessary to obtain a license for exploitation is defined in the Ministry of Infrastructure's Regulation of 12 October 2005 on the scope of necessary tests to obtain the licenses for exploitation of types of buildings or installations designed for railway traffic operation and types of railway vehicles.

### The sample license for exploitation of a type of railway vehicle and a sample license for exploitation of a type of installations designed for railway traffic operation

URZĄD TRANSPORTU KOLEJOWEGO

Rzeczpospolita Polska  
Prezes  
Urzędu Transportu Kolejowego

**SWIADECTWO**

Nr \_\_\_\_\_

dopuszczenia do eksploatacji typu pojazdu kolejowego

Nazwa typu pojazdu:  
Producent:  
Rok budowy:  
Charakterystyka pojazdu:  
Badania typu pojazdu:  
Świadection ważne jest:

Podstawa prawna: Ustawa z dnia 28 marca 2003 r. o transporcie kolejowym (Dz.U. Nr 96, poz. 768) z późn. zmianami

(podpis)

URZĄD TRANSPORTU KOLEJOWEGO

Rzeczpospolita Polska  
Prezes  
Urzędu Transportu Kolejowego

**SWIADECTWO**

Nr \_\_\_\_\_

dopuszczenia do eksploatacji typu urządzenia przeznaczonego do prowadzenia ruchu kolejowego

Nazwa typu urządzenia:  
Producent:  
Rok budowy:  
Charakterystyka urządzenia:  
Badania typu urządzenia:  
Świadection ważne jest:

Podstawa prawna: Ustawa z dnia 28 marca 2003 r. o transporcie kolejowym (Dz.U. Nr 96, poz. 768) z późn. zmianami

(podpis)

Technical documentation has to be submitted along with the applications, including in particular:

- technical conditions of execution and acceptance;
- technical-traffic documentation;
- technical specifications and drawings;
- technical opinions issued by other infrastructure managers, railway undertakings or railway siding users – for the types of buildings, facilities or vehicles that are already exploited.

Opinions of experts concerning technical documentation, reports and results of conducted tests may also be attached to the applications, if the President of the UTK requests them.

Note: All the documents and additional information should be submitted in the Polish language (art. 23 par. 2e).

### Sample license for exploitation of a type of buildings designed for railway traffic operation.



## How to obtain a license for railway undertaking from another EU member state?

For railway vehicles that already hold licenses for exploitation in another EU member state, in the network part of the safety certificate which is not fully covered by TSI, it is obligatory to obtain the license for exploitation of a type of railway vehicle, if license is necessary for this kind of vehicle.

Application and attachments	Notes
<b>Application should include:</b>	
name of undertaking, its registered seat and address;	
<b>Documents attached as annexes to the application:</b>	
licenses for exploitation of a type of railway vehicle or certificate of approval issued in another EU member state along with documentation including records of exploitation, maintenance and modernization of a railway vehicle, if modernization occurred after obtaining the license or certificate of approval;	
technical specifications, maintenance plans, technical-traffic documentation and other traffic characteristics;	
evidence of conformity to technical and operational characteristics of railway vehicles with electricity supply system, railway traffic control and signaling system, track width, gauges width, gauges of buildings, maximum allowable stress on axes and other restrictions of the railway network;	The President of UTK can command test rides to be conducted, specifying their subject and scope, in order to certify conformity.
information on unconformities with national safety regulations which are necessary to issue the license and evidence based on risk assessment which certifies that introduction of railway vehicles to traffic would not exceed acceptable distractions in railway network	

Note: Documents and information should be submitted to the President of UTK in Polish language.

## How much does the license for exploitation cost?

The level of license fee is specified in the Ministry of Infrastructure's Regulation of 29 February 2008 on the activities performed by the President of UTK for which fees are collected, the amount of these fees and the method of their collection. The first portion of fee is charged at the moment of submitting the application – 100% of minimum fee for the specified activity (from 1 500 to 4 000 PLN); the remaining portion of the fee is paid when the license for exploitation is issued. The fee depends on labor-consumption of the process of issuing the license for exploitation.

The maximum annual fee is regulated by the Railway Transport Act (art. 16 par. 2 pt 2), i.e.:

- the equivalent in PLN of 6 000 Euro for types of buildings or types of installations designed for railway traffic operations;
  - the equivalent in PLN of 25 000 Euro for a type of railway vehicle;
- determined based on the average exchange rate announced by the National Bank of Poland on the date when the license is granted.

## What does the process of considering application for license for exploitation look like?

The President of UTK decides on issuing the license for exploitation for a type of railway vehicle within 3 months from the date of submitting all the requested documents (technical documents and protocols from test rides). The decision may include additional terms and conditions.

Licenses for exploitation are issued for indefinite period or, if the license concerns conducting exploitation tests, then it is issued for the time of the tests.

## When the license may be revoked?

The President of UTK can revoke the license if there is a significant threat to the safety of railway traffic, safe exploitation of railway vehicles, fire protection or environmental protection.

### Further information

Additional information on the licensing for exploitation procedure can be obtained at the Technical Licenses and Certification Division of the Department of Technical Licenses and Interoperability of the UTK (telephone number to the Department's secretariat: +48 22 630 19 60).



# Certificates of railway vehicle technical efficiency

## National regulations

Under the Polish law, certificates of railway vehicle technical efficiency are governed by the Railway Transport Act of 28 March 2003, in particular art. 24. Other regulations governing these certificates include:

- The Ministry of Infrastructure's Regulation of 15 February 2005 on certificate of railway vehicle technical efficiency
- The Ministry of Infrastructure's Regulation of 12 October 2005 on the general technical conditions for railway vehicles' exploitation

## Who is obliged to obtain the certificate?

All railway undertakings, railway siding users and infrastructure managers are obliged to obtain the certificate of railway vehicles' technical efficiency, since the certificate is the condition for admission of the a railway vehicle for operation (art. 24 par. 1).

## Who grants the certificate?

Certificates of railway vehicle technical efficiency are issued by the railway undertaking. For vehicles operating within a railway siding, the certificates can be issued by the railway siding user. Certificates of railway vehicle technical efficiency for the railway vehicles performing technological carriages and for multi-purpose and heavy construction machines are issued by the infrastructure manager (art. 24 par. 2 and 3).

To issue a certificate of railway vehicle technical efficiency, the railway undertaking must (art. 24 par. 2 and 3):

- possess the license for exploitation of a type of railway vehicle for the railway vehicle that needs to be certified with the certificate of railway vehicle technical efficiency;
- certify, based on conducted tests and trials, that the railway vehicle complies with technological conditions for railway vehicles' exploitation;
- mark the railway vehicle according to regulations on registration and marking of railway vehicles (the Ministry of Infrastructure's Regulation of 15 February 2005 on certificate of railway vehicle technical efficiency, art. 2).

The certificate of railway vehicle technical efficiency is valid for a specified period of time, dependent on the railway vehicle's mileage [in kilometers] between periodical repairs. The interval cannot be longer than the closest periodical repair specified in the certificate of railway vehicle's technical efficiency. The interval is dependent on the railway vehicle's maintenance system set by the railway undertaking.

## When does the certificate expire?

The certificate of railway vehicle technical efficiency **expires when**:

- the entity issuing the certificate states that the railway vehicle is inappropriate for exploitation;
- the license for exploitation of a type of railway vehicle is revoked;
- the railway vehicle participated in an accident causing damage that made the vehicle unable to be exploited safely;
- the railway vehicle has been excluded from exploitation by the decision of the President of UTK;
- the validity of the certificate expires.

## Further information

Additional information on the certification of railway vehicles' technical efficiency procedure can be obtained at the Technical Licenses and Certification Division of the Department of Technical Licenses and Interoperability of UTK (telephone number to the Department's secretariat: +48 22 630 19 60).

# Additional requirements related to railway vehicles' operation

## Railway vehicles' marking

The infrastructure manager could accept only those railway vehicles to the railway network which are marked with alphanumerical identification code.

Detailed requirements concerning railway vehicles' marking are included in the Ministry of Transport's Regulation of 31 May 2006 on the railway vehicles' register and the manner of marking railway vehicles, which will be further referred to as the Regulation.

The Regulation introduced changes in marking railway vehicles (in comparison to previous regulations). The changes include obligations to mark railway vehicles with:

- identifiers:
- letter identifier of railway vehicle's registration country,
- letter identifier of railway vehicle's operator,
- digital identifier of railway vehicle's operator;
- new inventory number – this concerns traction and special railway vehicles (the Regulation, art. 32 par. 1).

The changes listed above must be introduced no later than 31 December 2016. During the transition period, however, joint marking is allowed. The new marking must be compliant with the following standards: IC 438-1, UiC 438-2, OSŽD 538-1 and OSŽD 538-2, and should be implemented within the deadlines specified in the standards. For the remaining vehicles, their current marking can be used until 31 December 2010 (the Regulation, art. 32 par. 2-3 and art. 33).

## How to obtain the identification number?

In order to obtain the alphanumerical identification code for railway vehicles, whose owners or lessees are entities operating on the territory of Poland, the owner or lessee who exploits the railway vehicle, i.e. is a railway undertaking, railway siding user, infrastructure manager, entity exploiting underground vehicles or railway special vehicles, should submit an application to the President of UTK.

Each railway vehicle has to be marked with an identifier which includes:

- inventory number of railway vehicle;
- letter identifier of railway vehicle's registration country;
- letter identifier of railway vehicle's operator;
- letter identifier of a type (series) of railway vehicle;
- digital identifier of railway vehicle's operator.

### **Inventory number of railway vehicle**

Applications concerning specification of successive inventory numbers should be submitted to the President of UTK. Applications can be submitted by the entity exploiting a railway vehicle – owner or lessee.

The entity exploiting a railway vehicle specifies:

- for passenger wagons and wagons of a passenger type – 12 first signs (8 digits) of the inventory number of a railway vehicle;
- for cargo wagons – 11 first signs (7 digits) of the inventory number of a railway vehicle;



- for railway traction and special vehicles – 11 first signs (7 digits) of the inventory number of a railway vehicle; and agrees with the President of UTK the marking of subsequent railway vehicle of the specified type (series) of railway vehicles (the Regulation, art. 8 par. 3).

#### **Letter identifier of railway vehicle's registration country**

Identifiers are specified in Table 2 of Annex 3 to the Regulation. In case of registration in Poland, the letter identifier is: PL.

#### **Letter identifier of railway vehicle's operator**

Letter identifier of railway vehicle's operator must be agreed with the President of UTK. with the following documents should be attached to the application form for agreeing the letter identifier of operator of a railway vehicle:

- list of types of railway vehicles,
- numbers of railway vehicles,
- factory serial number,
- fixed assets' numbers,
- status of ownership of railway vehicles,
- up-to-date copy of excerpt from the National Court Register.

#### **Letter identifier of type (series) of railway vehicle**

Marking a railway vehicle with the subsequent number within the specified type (series) of railway vehicles must be agreed with the President of UTK. Applications concerning agreeing the letter identifier for a specified type (series) of the railway vehicle should be submitted to the President of UTK by the entity exploiting the railway vehicle – owner or lessee. The letter identifier of a type (series) does not occur in railway traction vehicles or railway special vehicles.

#### **Digital identifier of railway vehicle's operator**

Digital identifier of railway vehicle's operator is represented by four digits defining that operator. The operator informs the President of UTK of the assigned digital identifier.

Simultaneously, according to art. 19 par. 2 of the Regulation, the digital identifier of the railway vehicle's operator is assigned by UIC (International Union of Railways) or OSŻD (Organization for Cooperation of Railways) according to the standard UIC/OSŻD 920-1, in accordance to the rules and on forms available in locations specified in this standard.

## **Who is obliged to keep the register of railway vehicles?**

Detailed information on obligations concerning the register of railway vehicles is included in the Regulation.

The railway vehicle's operator manages the register of railway vehicles as a book, file or as data in a computer system. On the date of issuing the identification number for railway vehicle at the latest, the vehicle's details should be entered into the register managed by the railway vehicle's operator.

Regardless of managing the register of railway vehicles, a register of documents necessary to enter the railway vehicles into the register should also be kept.

#### **Further information**

Additional information on the register and railway vehicles' marking can be obtained at the Rolling Stock Register Division of the Department of Exploitation Control and Traffic Safety at UTK (tel. +48 22 630 18 48).



A photograph of a long freight train consisting of several yellow and red railcars on tracks. The scene is captured at sunset or sunrise, with a warm, golden light illuminating the train and the sky. The foreground shows a gravelly track bed. A semi-transparent blue banner with a grid pattern is overlaid across the middle of the image, containing the text.

## II. How to operate on the railway market? Rights of the market players



# Obtaining access to infrastructure

One of the primary targets of the regulation is to make it possible for the railway undertaking to use infrastructure possessed by the infrastructure manager. All railway undertakings **have equal rights** to use railway infrastructure.

## European regulations

Access to railway infrastructure is regulated by European regulations. The major ones are listed below:

- Council Directive 91/440/EEC on the development of the Community's railways (with further amendments);
- Directive 2001/14/EC of the European Parliament and of the Council on the allocation of railway infrastructure's capacity and the levying of fees for the use of railway infrastructure, as well as awarding safety certifications.

## National regulations

The most important national regulations governing access to railway infrastructure are listed below:

- the Railway Transport Act of 28 March 2003
- The Act of 14 June 1960 – Code of Administrative Procedure
- The Ministry of Transport's Regulation of 30 May 2006 on the conditions for use and access to railway infrastructure, which will further be referred to as the Regulation.

## When do the infrastructure access regulations not apply?

Regulations do not apply in case of the following types of railway infrastructure:

- infrastructure designed purely for passenger transport conducted by the railway undertaking which is also the infrastructure manager of this infrastructure and does not grant access to this infrastructure to other railway undertakings;
- infrastructure designed purely for owner's use in order to transport goods only for its own needs;
- infrastructure with track width different than 1435 mm (art. 36).

## Basic rules of access to infrastructure

Railway undertakings have the right to minimum access to the railway infrastructure and to installations associated with train operating services, as well as the right to be provided with those services. Item 1 of the Annex to the Railway Transport Act defines the scope of minimum access to infrastructure. Infrastructure manager cannot refuse access to the installations associated with train operating services and the provision of those services, except when other entities exist that are capable of assuring access to those installations on arm's length basis (art. 29 par. 1a and 1b).

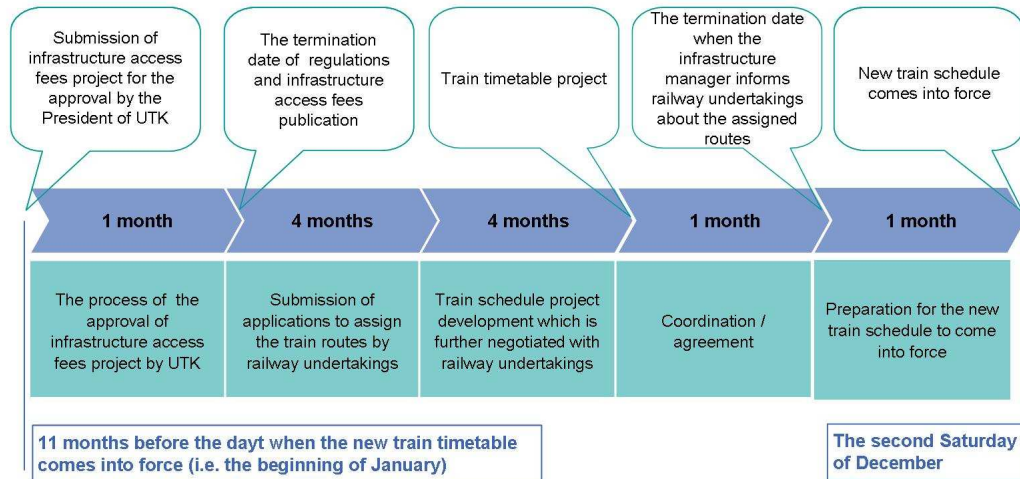
Railway undertaking having its premises in another EU or EFTA member state also has the right to access to infrastructure, if it is authorized to operate in railway transport based on the country of residence regulations, to the purpose of performing railway transport of goods (art. 29a par. 1-3).

## Granting access to infrastructure

The process of granting access to infrastructure to railway undertakings is divided into the following stages:

- Application for granting the train routes (in accordance with the regulations for allocating train routes and using allocated train routes by licensed railway undertakings, which will further be referred to as "the regulations");
- Application's consideration by the infrastructure manager;
- Development of train timetable project by the infrastructure manager and negotiations with railway undertakings;
- Reserving access to infrastructure for the railway undertaking;
- Signing the agreement between the railway undertaking and the infrastructure manager.

## Process of granting access to infrastructure



The process of granting access to infrastructure	Notes
<b>Application for granting the train routes</b>	
Applications should be submitted at the infrastructure manager at least 6 months before the timetable will take effect.	i.e. at the beginning of June
Only the applications to assign train routes which include information necessary to identify the railway undertaking and its authorizations resulting from the license will be considered.	
Railway undertaking must enclose the following documents and information to the application: <ul style="list-style-type: none"> <li>– certified copy of a valid license;</li> <li>– certified copy of a safety license;</li> <li>– a statement that the rolling stock at the railway undertaking's disposal meets the conditions specified in the Regulation of 12 October 2005 on the general technical conditions for railway vehicles' exploitation;</li> <li>– determination of type of trains;</li> <li>– determination of priority type, if such priority occurs;</li> </ul>	<ul style="list-style-type: none"> <li>– passenger trains,</li> <li>– freight trains,</li> <li>– intermodal trains,</li> <li>– bulk railway vehicles;</li> <li>– passenger transport precedence and the public service obligation,</li> <li>– the obligation to perform transport imposed by the provisions of the transport law,</li> <li>– providing access to train routes that have been used by the same railway undertaking under previous timetable,</li> <li>– framework agreements;</li> </ul>

The process of granting access to infrastructure	Notes
<ul style="list-style-type: none"> <li>– information necessary for basic fee determination;</li> <li>– information necessary for determination of correction indicators of unit fee according to art. 11 of <i>the Regulation</i>;</li> <li>– information provided according to the example specified by the infrastructure manager in the regulations.</li> </ul>	<ul style="list-style-type: none"> <li>– number of routes and their length (specified in trainkilometers),</li> <li>– category of railway line,</li> <li>– type of train,</li> <li>– train parameters specified in the granted train route;</li> </ul>
<b>Application's consideration by the infrastructure manager</b>	
<p>Railway undertaking can apply for granting the train routes for the period of the train timetable's validity or for a shorter period. The infrastructure manager considers in the first place the applications for the period of the train timetable's validity and then, the applications for shorter periods.</p>	<p>The annual timetable changes at midnight on the second Saturday of December. Infrastructure manager allocates train routes with equal treatment of railway undertakings.</p>
<p>Infrastructure manager classifies the received applications.</p>	<p>Infrastructure manager takes into account the following issues:</p> <ul style="list-style-type: none"> <li>– possibility to consider applications in the general pool of submitted demand for train routes allocation within the possible capacity;</li> <li>– obligation to include priorities of train routes allocation;</li> <li>– priority of passengers transport and duty of public service;</li> <li>– obligation to conduct transport based on the transport law's regulations;</li> <li>– providing access to the train routes which were used by the same railway undertaking under the previous timetable;</li> <li>– framework agreements.</li> </ul>
<p>In case of conflict between submitted applications, infrastructure manager should assure ( by way of coordinating the applications) , the best possible realization of submitted demand through consultations with applicants.</p>	<p>In case of consideration of applications with equal priorities, infrastructure manager should (by way of consultations with applicants), adopt the train timetable being the best solution in terms of utilization of possible capacity of railway lines.</p>
<p>In case of inadequate capacity of a railway line or its section, the infrastructure manager can set an increased basic fee.</p>	<p>The President of UTK is informed in writing of setting the increased basic fee by the infrastructure manager.</p>
<p>Infrastructure manager negotiates access fees with railway undertakings.</p>	<p>Negotiations continue until the moment when the capacity of railway lines or their sections is balanced with the demand for railway transport in the specified time period, with priorities included.</p>

The process of granting access to infrastructure	Notes
<b>Development of train timetable project by the infrastructure manager and negotiations with railway undertakings</b>	
No later than four months after the closing date for submitting applications for train routes allocation, the infrastructure manager develops the train timetable project.	
Infrastructure manager is obliged to coordinate with the railway undertaking the part of projected train timetable which regards the railway undertaking.	Railway undertaking may refuse to coordinate with the infrastructure manager the part of projected train timetable which regards the railway undertaking, if the project does not meet the requirements determined in application set by the railway undertaking and approved by the infrastructure manager.
Based on the agreed train timetable project, the infrastructure manager develops the valid train timetable.	After developing the valid train timetable, the infrastructure manager sends it to the railway undertaking in the form of a notification.
<b>Reserving access to infrastructure for the railway undertaking</b>	
Railway undertaking is granted a reservation of access to infrastructure to the scope of and on conditions specified in the notification on allocated train routes.	
If the infrastructure manager is not able to present justified reasons for access restrictions to the railway infrastructure operated and being under its management, then the manager is obliged to confirm in the notification the granted access to the railway infrastructure to the scope of railway undertaking's application. .	<p>"Justified reasons" should be understood as depletion of capacity or exclusion from exploitation of railway line or its section, or the lack of possibility to use the railway infrastructure, resulting from:</p> <ul style="list-style-type: none"> <li>- compliance with obligations stemming from international agreements;</li> <li>- compliance with restrictions as a result of capacity reservations made by railway infrastructure for the rides necessary to assure exploitation efficiency of the managed railway network;</li> <li>- initiating the procedure of a railway line's or its section's liquidation.</li> </ul>
If the train timetable presented in the notification does not take into consideration the train routes coordinated with the railway undertaking in the train timetable project, then the railway undertaking may apply in writing to the infrastructure manager for appropriate amendments, within 14 days from the date of receiving the notification.	
The railway undertaking may complain to the President of UTK on the train routes assigned and infrastructure access fees.	



The process of granting access to infrastructure	Notes
<b>Signing agreement between the railway undertaking and the infrastructure manager</b>	
The railway undertaking and the infrastructure manager sign the agreement on allocated train routes.	
Upon justified application of the railway undertaking, the railway undertaking and the infrastructure manager may sign a framework agreement for the period longer than when the duration of one train timetable, (art. 31 par. 2).	The framework agreement is approved by the President of UTK.

**The agreement for using the allocated train routes** shall define in particular the following elements:

- routes allocated to the railway undertaking in the train timetable;
- the scope, method and conditions of access and usage of railway infrastructure associated with the allocated train route;
- the method of organization and provision of access to installations assured to the railway undertaking by the infrastructure manager as a result of provision of train services and additional and support services;
- services provided by the infrastructure manager to the railway undertaking under the basic fee;
- services provided by the infrastructure manager to the railway undertaking under additional fee;
- organizational units and persons allocated to cooperate, together with the definition of their rights and obligations;
- procedure and conditions of confirming train ride execution, as well as documentation that makes it possible to set the basic fee, plus the method of admission of the train to ride;
- relieves, increases and decreases applied;
- date, fee and the method of settlement and payment of:
  - basic fee;
  - additional fees;
  - other financial liabilities resulting from the agreement;
- scope and way of defining responsibilities of the parties to the agreement in case of damages;
- rules of proceeding and reciprocal settlement of possible obligations in case of:
  - occurrence of obstacles in fulfilling the obligations resulting from the agreement;
  - occurrence of obstacles in traffic operations;
  - emergency situation;
  - withdrawal from or dissolution of the agreement;
- disputes settlement;
- consequences of not keeping the agreement by one of the parties, including the date of paying the reservation fee.

The framework agreement should determine:

- the period for which the agreement is concluded;
- the capacity designed by the infrastructure manager for reservation for the railway undertaking in consecutive train timetables during the period of the agreement's validity;
- the conditions which give the railway undertaking the grounds to conclude agreements with freight consigners and give the infrastructure manager the assurance that the reserved capacity is used;
- consequences of not keeping the agreement by one of the parties,, including the date of paying the reservation fee (the Regulation, art. 19).

## Development of regulations by the infrastructure manager

The infrastructure manager develops the regulations in a way which assures:

- equal treatment of all the railway undertakings during all cooperation stages:
  - granting access to information set in the regulations,
  - submission of applications for train routes allocation,
  - consideration of applications for train routes allocation,
  - train timetable development,
  - granting access to the railway infrastructure,
  - conclusion of agreements on allocated train routes' usage and framework agreements,
  - railway infrastructure's usage,
  - accounts settlement for train rides, accruing and collecting fees,
- safe and effective performance of rides.

## Fees for access to infrastructure

The infrastructure manager specifies the amounts of fees for using the railway infrastructure by the railway undertakings. The fee for using the railway infrastructure is specified with consideration of the costs which the infrastructure manager shall bear as a result of allocating and enabling the use of the allocated train routes and the railway infrastructure. The fee for using the railway infrastructure is the sum of the basic fee and additional fee (art. 33 par. 1-3).

### Basic fee

Information on the basic fee for using the railway infrastructure can be found in the Railway Transport Act, art. 33 par. 4-5b, 9-10 and 12, art. 34 and in the Regulation, art. 7 - 11 and 14.

The basic fee is calculated with consideration of the planned train routes and unit rates, specified depending on the railway line's category and train type, separately for passengers and goods transport. The basic fee's unit rate is specified for the ride of one train over one kilometer (here, the notion of "trainkilometres" is introduced).

The basic unit fee is the sum of fixed unit cost, variable unit cost, credit operating unit cost and repair and maintenance unit margin, calculated for one trainkilometer.

The fixed unit cost of one trainkilometer used to calculate the basic unit fee depends on the standard of a section of a given railway line's category, i.e. the maximum technical speed. The variable unit cost of one trainkilometer depends on the total gross mass of a train and the maximum technical speed for sections of a railway line.

The infrastructure manager is obliged to announce publicly, in a commonly established manner, the unit amounts of basic fee no later than 4 months before the closing date for submission of applications for train routes allocation, i.e. at the beginning of February.

The basic fee is the sum of fees set for particular sections of a railway line which compose the allocated train route, the basic fee for the railway line's section is set as the multiplier of conducted trainkilometres and the unit fee for the given railway line's category, railway type and train parameters set in the allocated train route.

The infrastructure manager may introduce changes of basic unit fees:

- at any point in time – if the fees are to be decreased,
- not earlier than after 6 months since the date of fees publication – if the fees are to be increased.

Information on reductions, exemptions, increases and decreases in basic unit fees is presented in the table below.

**Table. Rules for increasing and decreasing basic unit fees**

Increase in the fee	Decrease in the fee
<ul style="list-style-type: none"> <li>– Higher expenses of the infrastructure manager (art. 34 par. 1 item 1);</li> <li>– international railway transport of goods (art. 34 par. 1 item 2);</li> <li>– insufficient capacity (art. 34 par. 1a and 1b);</li> <li>– higher than one indicators that increase the basic unit fees (equal for all railway undertakings) (the Regulation, art. 11 par. 2).</li> </ul>	<ul style="list-style-type: none"> <li>– Exemptions from paying the fee: <ul style="list-style-type: none"> <li>• military budget units (on railway lines with purely defensive significance) (art. 33 par. 12);</li> <li>• repair and maintenance trains (the Regulation, art. 14 par. 3);</li> </ul> </li> <li>– minimum fee for the railway undertakings which provide public services (equal rules for all the railway undertakings) (art. 33 par. 4a, 4b, 5b; the Regulation, art. 9 par. 7);</li> <li>– decreased fee for intermodal transport (the Regulation, art. 9 par. 8);</li> <li>– reductions for the development and usage of the railway lines with very low capacity usage (equal rules for all the railway undertakings) (art. 34 par. 2 and 2a; the Regulation, art. 10);</li> <li>– lower than one indicators that decrease the basic unit fees (equal for all the railway undertakings) (the Regulation, art. 11 par. 1).</li> </ul>

#### **Additional fees**

Information on when the additional fees for access to infrastructure are calculated can be found in the Regulation, art. 13 and in the Annex to the Railway Transport Act.

Additional fee is specified according to the individual calculations made by the infrastructure manager. If a given service is provided only by one supplier, the fee for that service cannot be higher than the cost of its provision calculated based on the actual cost and a profit margin of not more than 10% of the costs.

#### **Reservation fee**

The infrastructure manager collects the reservation fee for the capacity which was allocated and reserved, but not used by the railway undertaking:

- 2% of the sum of costs used to calculate the basic fee in case of the cancellation not later than 3 months before the planned date of execution,
- 20% of the sum of costs used to calculate the basic fee in case of the cancellation not later than 72 hours before the planned date of execution,
- 50% of the sum of costs used to calculate the basic fee in case of the cancellation within less than 72 hours before the planned date of execution, or when the railway undertaking did not use the allocated train route (the Regulation, art. 16).

#### **Further information**

Further information can be obtained at the Regulation and Infrastructure Access Division of the Department of Railway Transport Regulation at UTK (tel. +48 22 630 18 40).

# Submission of complaints and proposals regarding discriminatory practices of granting access to railway infrastructure

## Complaints – to what scope?

Railway undertakings may submit to the President of UTK complaints regarding:

- a) rules governing access to infrastructure;
- b) train routes allocation and fees for using the railway infrastructure.

### National regulations

The Polish legal system regulates the issues of handling complaints submitted to UTK in the Railway Transport Act of 28 March 2003, particularly in art. 13 thereof. Based on the regulations of the Railway Transport Act, UTK prepared the Procedure of considering market information and applications to

initiate administrative proceedings associated with art. 13 par. 1 item 2-5 of the Railway Transport Act of 28 March 2003 and railway entities' complaints, which will be further referred to as "the Procedure". The Procedure is published on the website of UTK. The Procedure is also regulated by the Act of 14 June 1960 – Code of Administrative Procedure.

## Types of claims submitted by railway undertakings

Entities operating on the railway market may submit three types of claims to UTK:

1. complaint,
2. market information,
3. application to initiate administrative proceedings.

### Complaint

A complaint is a document signed by persons authorized to represent the entity, which is prepared by the railway undertaking and regards:

- the rules for railway routes allocation and usage of the allocated railway routes by railway undertakings holding the license;
- allocation of railway routes and fees for access to infrastructure .

### Market information

Market information is each information *ex officio* or each document sent to the office and unsigned by the persons authorized to represent the entity which regards:

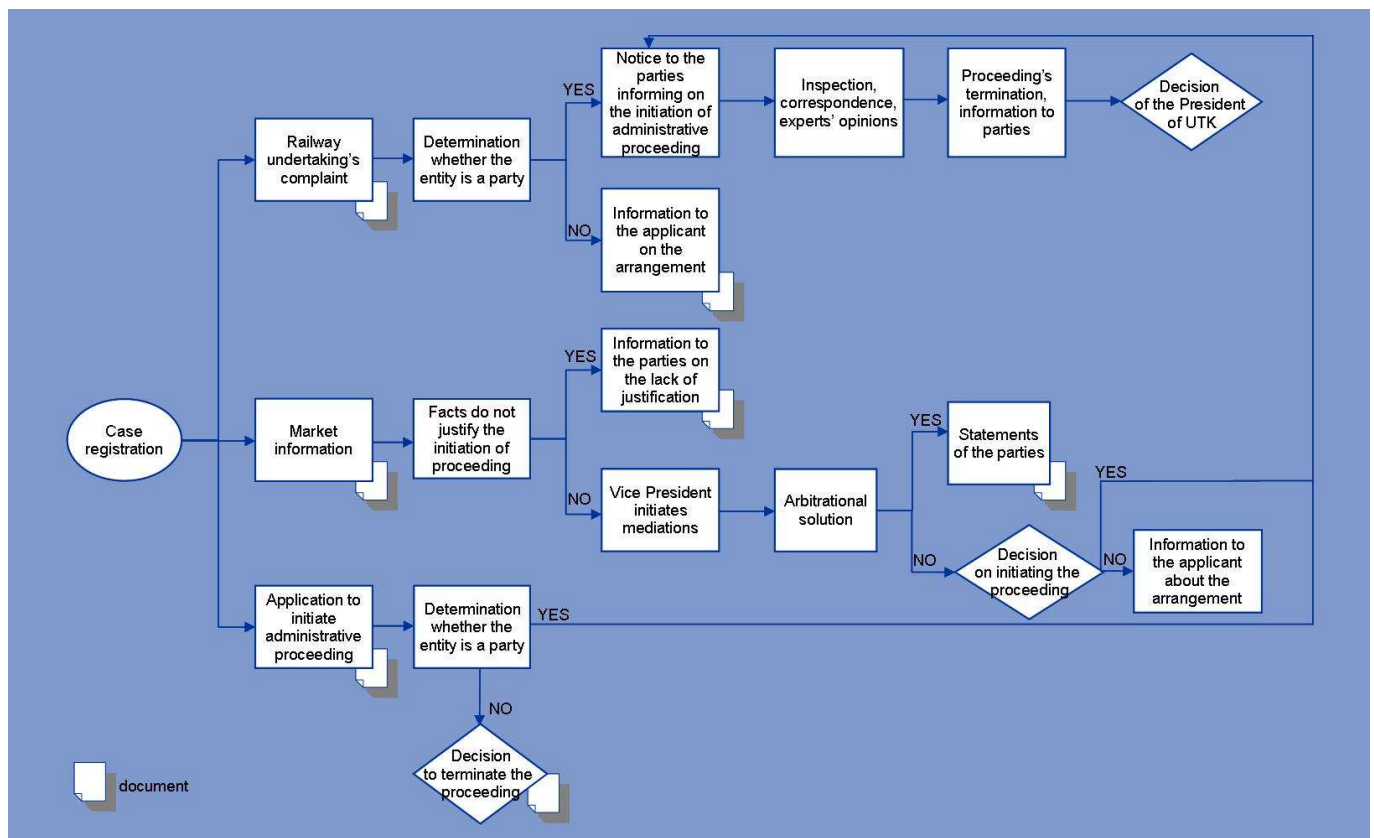
- equal access of railway undertakings to railway infrastructure,
- equal treatment of all railway undertakings by infrastructure managers,
- proper setting of basic fees for using the railway infrastructure and additional fees for provision of additional services.

### Application to initiate administrative proceedings

Application to initiate administrative proceedings is a document signed by the persons authorized to represent the entity which regards:

- assurance to provide equal access to the railway infrastructure to all railway undertakings;
- equal treatment of railway undertakings by the infrastructure manager, especially in considering the applications to grant access to train routes and charging;
- proper settlement of basic fees for using the railway infrastructure and additional fees for provision of additional services;
- rules for railway routes allocation and usage of allocated railway routes by the railway undertakings holding the license;
- allocation of railway routes and fees for access to infrastructure .

### Proceedings by UTK



	Assessing legitimacy of proceedings by UTK	Possible final settlements of the proceedings by UTK
Complaint	<p>If the applicant is party to proceedings, the complaint is handled as the application to initiate administrative proceedings or is considered in the course of current proceedings, or is handled as a claim regarding content of decision issued.</p> <p>Otherwise, UTK informs the applicant of its refusal to consider the complaint.</p>	<p>If the applicant is not party to proceedings (in the meaning of the Railway Transport Act and KPA), UTK sends to the applicant a notification of refusal to consider the complaint. In such case, the complaint is handled as market information and is considered accordingly.</p> <p>If the applicant is party to proceedings (in the meaning of the Railway Transport Act and KPA) and the case was not the object of administrative proceeding, the complaint is handled as the application to initiate the administrative proceeding.</p> <p>If the applicant is party to administrative proceedings (in the meaning of the Railway Transport Act and KPA), and the case is subject to the current administrative proceedings, the complaint is handled in the course of the current administrative proceedings.</p> <p>If the applicant is party (in the meaning of Railway Transport Act and KPA), and the case was subject to administrative proceedings in the course of which a decision was issued, the complaint is handled as the claim regarding contents of the decision.</p>
Market information	<p>During the determination of the actual status, Local Departments of UTK conduct control upon the motion of the Department of Railway Transport Regulation of UTK.</p> <p>Correspondence can also be exchanged with the entities to which the information applies.</p>	<p>If, based on the market information, UTK decides that the actual status justifies initiation of the proceedings, mediation proceedings start. If they end to a satisfactory result, the parties prepare statements in which they oblige themselves within the specified period to initiate operations which assure compliance with the rules resulting from the Railway Transport Act.</p> <p>In case the parties do not reach agreement in arbitration, the President of UTK makes the decision on initiating or not initiating administrative proceedings. If the decision is not to initiate administrative proceedings, the applicant is informed of the current arrangements and actual and legal grounds not to initiate the proceedings. Otherwise, the President of UTK signs the documents which initiate administrative proceedings and then the case is run according to the procedure of considering the applications on initiation of administrative proceedings.</p>

	Assessing legitimacy of proceedings by UTK	Possible final settlements of the proceedings by UTK
		In case of negative consideration of the market information, UTK informs the applicant of the current arrangements and the fact that the rules to which the market information applies were not violated.
Application to initiate administrative proceedings	<p>During the administrative proceedings, the President of UTK and the persons authorized by the President in writing may enter the railway area, railway sidings and accommodations associated with railway traffic operation and safety and railway vehicles (art. 15 item 1) in order to carry out an inspection. Correspondence can also be exchanged with entities to which the application applies.</p> <p>UTK may also order external experts to express their opinion.</p> <p>Before the administrative decision is made, the parties are informed of the possibility to express themselves on the collected evidence and submitted claims.</p>	<p>If the applicant is not party to proceedings (in the meaning of the Railway Transport Act and KPA), the President of UTK makes the administrative decision to refuse to initiate the administrative proceedings.</p> <p>If the applicant is party to proceedings (in the meaning of the Railway Transport Act and KPA), the President of UTK makes the administrative decision.</p> <p>If the President of UTK decides that the party which manages the railway infrastructure did not assure railway undertakings equal access to the railway infrastructure or improperly calculated the basic fee, the President of UTK initiates the activities which aim at imposing a fine.</p>

Note: It should be remembered that the fine imposed by the President of UTK may amount to 2% of the turnover or up to 300% of the monthly salary – imposed on the management of the railway undertaking or infrastructure manager.

#### Further information

Further information can be obtained in the Department of Railway Transport Regulation at UTK, tel. +48 22 630 18 40.



# Competition protection

Railway undertakings can also expect that every competition distortion will be monitored by the antimonopoly authority i.e. **the President of Office of Competition and Consumer Protection** (Urząd Ochrony Konkurencji i Konsumentów, which will be further referred to as UOKiK).

## European regulations

European regulations concerning competition protection in EU countries are based on the EC Treaty (art. 81 and 82).

## National regulations

The Competition and Consumer Protection Act is the most important regulation in Poland that concerns this subject.

However, according to the Polish Law, the railway undertaking (just as any business entity) cannot apply for opening an investigation; it can deliver to UOKiK the information on undertakings that violate competition rules. The President of UOKiK opens all investigations *ex officio*. These investigations cover actions undertaken by firms which have dominant positions and **aim at elimination of their competitors or treat their competitors and consumers unfairly, destroying competition on the given market as a result**. The President of UOKiK protects the market from those actions by conducting the *ex officio* investigations. There are two kinds of these investigations– explanatory or antimonopoly.

## Subject of the competition protection investigations

According to The Competition and Consumer Protection Act there are two kinds of restricting practices: abuse of dominant position and concluding prohibited agreements (cartels).

According to art. 4 item 10 of The Competition and Consumer Protection Act, the dominant position, abuse of which can result in restraining competition, is a position of the undertaking which enables it to act to a significant degree independently of competitors, contracting parties and consumers. It is assumed that the undertaking holds a dominant position if its market share exceeds 40%. One should note, however, that in line with art. 9 item 1 of the Act, holding a dominant position as such is not forbidden, but abuse of a dominant position on the relevant market by one or more undertakings is prohibited.

Abuse of a dominant position may in particular consist in:

- direct or indirect imposition of unfair prices, including predatory prices or prices glaringly low, delayed payment terms or other trading conditions;
- application to equivalent transactions with third parties of onerous or not homogenous agreement terms and conditions, thus creating diversified conditions of competition for these parties;
- making conclusion of an agreement subject to acceptance or fulfillment by the other party of another performance having neither substantial nor customary relation with the subject of the agreement;
- counteracting formation of conditions necessary for the emergence or development of competition.

It is important to notice that dominant position can be abused by more than one of entrepreneurs collectively ("collective dominant position").

## Prohibited agreements

According to art. 6 of The Competition and Consumer Protection Act, agreements that violate competition are prohibited. In particular, agreements concluded with or effect of elimination, restriction or any other infringement of competition on the relevant market shall be prohibited. The President of UOKiK is not obliged to prove during the investigation that the aim of the prohibited agreement is elimination or restriction of competition; instead, the aim of the investigation is to verify if the agreement distorts competition on the relevant market. If there is no doubt that the aim of the agreement is restriction of competition, it is not necessary to prove that this aim is achieved to state the violation of competition law.

The catalogue of agreements prohibited by law has an open character. Such agreements include e.g. those consisting in:

- price fixing,
- tender agreement,
- agreements concerning:
  - splitting sale or purchase markets,
  - applying to equivalent transactions with third parties onerous or not homogenous agreement terms and conditions, thus creating diversified conditions of competition for these parties,
  - limiting access to the market or eliminating from the market the undertakings not being parties to the agreement.

## Consequences of prohibited practices

The President of the Office conducts administrative proceedings to assess if the practice distorts competition. If circumstances indicate a possibility that the undertaking (one or more) practices unfair competition, the President may impose upon the undertaking a financial penalty not exceeding 10% of the revenue earned in the accounting year.

It is therefore important to inform the President of the Office of the possible restricted practices discussed above.

### Further information

Further information can be obtained in the Department of Competition Protection of UOKiK, tel. +48 22 55 60 299.





### III. How to operate on the railway market? Obligations of the market players

# Regulatory reporting obligation

One of the tasks of the President of UTK is to collect and analyze the information regarding railway transport market. **Railway undertakings operating on the railway market are obliged to submit appropriate reports to the President of UTK.** Infrastructure manager or railway undertaking which did not provide information shall be punished with a financial penalty.

## European regulations

Railway undertakings reporting on the European level are regulated by the following acts:

- Council Directive 80/1177/EEC on statistical returns in respect of carriage of goods by rail, as part of regional statistics
- Commission Regulation 1192/2003 amending Regulation No 91/2003 of the European Parliament and of the Council on rail transport statistics

## National regulations

Polish law system regulates the issues of regulatory reporting of railway undertakings in the Railway Transport Act of 28 March 2003, especially art. 13. Moreover, the procedures of regulatory reporting obligation are stipulated in the Act of 14 June 1960 – Code of Administrative Procedure.

## What kind of information must be submitted by railway undertaking?

The scope of the data submitted by the railway undertakings depends on the type of the railway undertaking (the licensed railway undertaking transporting goods, the licensed railway undertaking transporting passengers, the licensed entity providing access to railway vehicles, the infrastructure manager, the narrow-gauge railway). The forms required to be filled in are published on the UTK Website in the electronic version (Excel sheet).

## How often must railway undertaking submit information to UTK?

The reports, depending on the type of entity, are submitted each month, quarter or annually. The monthly data is submitted before the 10th day after the reporting month. The quarterly data is submitted before the 30th day after the reporting quarter, and the annual data – before 15 February for the previous year.

In case of data regarding:

- traction and wagon rolling stock,
- number of employees,
- length of the railway lines,
- length of railway tracks, sidings and stations
- buildings and installations
- technical parameters of lines,

the information should be submitted accordingly to the state on 31 December of a given reporting year.

## What definitions of reporting terms should be used?

The reports submitted by the railway undertakings contain terms which may be understood differently. So, in order to properly understand the terms used in the reports, the railway undertaking should base on terms and definitions used in:

- The Railway Transport Act of 28 March 2003 and executive regulations to the Act
- The Ministry of Transport and Maritime Economy's Regulation of 10 September 1998 on technical conditions for railway buildings and their location
- Up-to-date PKP Group regulations on the railway traffic and railway carriage
- Central Statistical Office (Główny Urząd Statystyczny) reporting.



## Where the information should be submitted to?

The reporting sheets **signed only by the person authorized** to submit statements on behalf of the entity should be sent to UTK, addressed to Railway Transport Market Analysis and Monitoring Division in the Department of Railway Transport Regulation.

Additionally, the reporting sheets in the digital form should be sent to the e-mail address: [tet1@utk.gov.pl](mailto:tet1@utk.gov.pl).

### Further information

Additional information on the railway undertaking's reporting may be obtained in Railway Transport Market Analysis and Monitoring Division of the Department of Railway Transport Regulation in UTK (tel. +48 22 630 18 44).

# Meeting the safety standards

## Preparation of safety reports

According to the obligations resulting from the implementation of the EU law into Polish law, the railway undertakings and infrastructure managers are requested to submit annually Safety reports to the President of UTK.

### European regulations

Duty to prepare the safety reports is regulated by Directive 2004/49/EC of the European Parliament and of the Council on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of fees for the use of railway infrastructure and safety certification.

### National regulations

The base law concerning the obligation to prepare safety reports is included in the Railway Transport Act of 28 March 2003, in particular art. 17a. Moreover, procedures of that scope are regulated by the Ministry of Infrastructure's Regulation of 19 December 2007 on the information on common safety indicators (CSI) and the Act of 31 March 2004 on the dangerous goods railway transport.

## Who is obliged to prepare reports?

Infrastructure managers and railway undertakings are obliged to present to the President of UTK, before the end of the second quarter each year, annual reports on safety issues for the preceding calendar year. (art. 17a par. 4).

## What should the report contain?

Safety reports should include:

- information on compliance with internal safety requirements and status of realization of safety plans,
- presentation of national safety indicators and common safety indicators (CSI) concerning performed activities,
- identified discrepancies and conclusions related to railway exploitation,
- results of internal safety audits (art. 17a par. 5).

Information on common safety indicators is included in the Ministry of Infrastructure's Regulation of 19 December 2007 on the information on common safety indicators (CSI).

## When and where should the report be submitted to?

The report should be submitted to the President of UTK by 30 June for the preceding year, by mail or in person to UTK headquarters.

### Further information

Additional information on the preparation of safety reports can be obtained in the Traffic Safety Division of the Department of Exploitation Control and Traffic Safety in UTK (telephone number to the Department's secretariat: +48 22 630 19 47).

# Confirming qualifications of staff employed on positions related to railway transport operation and safety

Employees of entities operating on the railway market are requested to possess necessary qualifications to be employed on positions related to railway transport operation and safety.

## European regulations

Rules confirming qualifications of staff employed on positions related to railway transport operation and safety are settled by the following EU regulations:

- Directive 2004/49/EC of the European Parliament and of the Council on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of fees for the use of railway infrastructure and safety certification
- Directive 2001/16/EC of the European Parliament and of the Council on the interoperability of the trans-European conventional rail system
- Directive 2007/59/EC of the European Parliament and of the Council on the certification of train

drivers operating railway engines and trains on the railway system in the Community

## National regulations

In the Polish legal system, issues of staff employed on positions related to railway transport operation and safety are regulated by the Railway Transport Act of 28 March 2003, in particular art. 22. Moreover, related procedures are stipulated in the Ministry of Infrastructure's Regulation of 16 August 2004 on the list of positions directly associated with railway traffic operation and safety, as well as conditions to be met by the persons filling these posts and driving railway vehicles.

## Who is obliged to confirm qualification of staff?

Staff employed on positions directly related to railway transport operation and safety should meet conditions specified in the Ministry of Infrastructure's Regulation of 16 August 2004 on the list of positions directly associated with railway traffic operation and safety, as well as conditions to be met by the persons filling these posts and driving railway vehicles;. They are also requested to possess and present to authorized authority the document entitling them to perform these activities. **Employer should ensure that employees meet those conditions.**

## What are the obligations of employers?

Obligations of employers are listed as following:

- The employer organizes professional preparation of employees to enable them to gain qualifications requested for particular positions (art. 6 par. 1 of the Ministry of Infrastructure's Regulation of 16 August 2004 on the list of positions directly associated with railway traffic operation and safety, as well as conditions to be met by the persons filling these posts and driving railway vehicles;);
- Employer submits the application to director of Local Department of UTK in order to call or recall the chairman and members of the examination board that certifies employees' qualifications. Employer renders administration service for examination board (art. 10 par. 2 – art. 10 par. 4 of the Regulation);
- Employer submits the application to conduct qualification exam for the specified position in the organizational unit at which examination board has been appointed. (art. 11 par. 1 – art. 11 par. 2 of the Regulation);
- Employer keeps the register of conducted exams and ensures that documentation of conducted exams is being archived (art.19 par. 5 of the Regulation);



## The specimen of license for driving railway vehicles

[illegible]

- Employer is obliged to authorize employees employed on positions specified in first and second annexes of the Regulation (art. 21 par. 1 of the Regulation);
- Employer issues for the staff employed on the positions directly related to railway transport operation and safety (other than drivers of the railway vehicles) the document entitling them to perform these duties. From this moment on the license becomes the property of the employee. Employer keeps the register of issued licenses (art. 22 par. 1 – art. 22 par. 2 of the Regulation);
- Employer organizes professional development and periodical exams for the staff employed on positions specified in the first and second annexes to the Regulation, at least once in four years (art. 23 par. 1 of the Regulation). If the employer does not have sufficient resources to organize professional training or to conduct periodical exams, he ought to direct employee to other employer or specialized training unit (art. 24 of the Regulation);
- Employer submits application to conduct verification exam<sup>4</sup> for the specified position in organizational unit of the employer, at which examination board was appointed (art. 25 par. 1-5 of the Regulation);
- Employer keeps the register of qualification, verification and periodical exams (art. 26 of the Regulation).

The fee for confirming the qualifications of employees could not exceed 84.90 PLN, what is being valorized by annual average price index of consumer goods and services, defined in the budget act (art. 22 par. 3).

## What medical examinations of employees are obligatory and who conducts those examinations?

Requirements concerning conducting medical examinations of the staff employed on positions directly related to railway transport operations and safety are specified in the Annex 9 to the Ministry of Infrastructure's Regulation of 16 August 2004 on the list of positions directly associated with railway traffic operation and safety, as well as conditions to be met by the persons filling these posts and driving railway vehicles.

<sup>4</sup> Verification exam is a practical and theoretical (written and oral) verification of knowledge and skills of an employee, who is applying for a position of engine driver or renewed license to work on a position specified in first and second annexes to the *Regulation*. The applicant should already possess the confirmation of passing the relevant qualification exam.

### The specimen of license for driving underground vehicles



**The evaluation of physical and psychological abilities** to work is made after conducting prophylactic medical examinations and psychological examinations that include:

- general examination of state of health conducted by qualified physician,
- specialized and additional examinations, requested by qualified physician, including mandatory ophthalmologist and laryngologist examination,
- psychological examination.

Prophylactic medical examinations are divided into:

- introductory,
- periodical,
- control.

Prophylactic examinations of the staff employed on positions directly related to railway transport operation and safety and drivers of railway vehicles are conducted on the basis of referral issued by employer.

Units entitled to examine physical and psychological abilities of the staff employed on positions directly related to railway transport operation and safety and drivers of railway vehicles are the ones which are organizational units of Railway Institution of Work Medicine and Scientific Centre of Railway Medicine.

As a result of medical examination (examination of general state of health, specialized examinations and additional examinations) and psychological examination, authorized physician issues medical certificate confirming the lack of health restraints to work on specified position, or confirming the existence of those restraints.

#### **New requirements implemented by Directive 2007/59/EC**

Implementation of Directive 2007/59/EC of the European Parliament and of the Council of 23 October 2007 on the certification of train drivers operating railway engines and trains on the railway system in the Community into national law, that will be effective at latest on 4<sup>th</sup> December 2009 will cause new obligations concerning trainings and examines of machinists. New documents affirming machinist's entitlements will be introduced (license and certificate).

## Specimen of Authorization to perform duties on positions directly related to railway transport operation and safety

<p>7. Egzamin okresowy:</p> <p>..... (na stanowisku)</p> <p>..... (data egzaminu)                      (podpis i pieczęć potwierdzającego)</p> <p>8. Egzamin okresowy:</p> <p>..... (na stanowisku)</p> <p>..... (data egzaminu)                      (podpis i pieczęć potwierdzającego)</p> <p>9. Egzamin okresowy:</p> <p>..... (na stanowisku)</p> <p>..... (data egzaminu)                      (podpis i pieczęć potwierdzającego)</p> <p style="text-align: center;">- 4 -</p>	<p style="text-align: center;">..... (zawieszka podłużny pracodawcy)</p> <p style="text-align: center;"><b>UPOWAŻNIENIE Nr.....</b></p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p style="text-align: center;">miejsce na fotografię (3 cm x 4 cm)</p> </div> <p>wydane na podstawie postanowień § 22 ust. 1 rozporządzenia Ministra Infrastruktury z dnia 16 sierpnia 2004 r. w sprawie wykazu stano- wisk bezpośrednio związanych z prowadzeniem i bezpieczeństwem ruchu kolejowego i warunków, ja- kie powinny spełniać osoby za- trudnione na tych stanowiskach oraz prowadzący pojazdy kolejowe</p> <p>..... (podpis posiadacza)</p> <p>uprawnia: ..... (inny i nazwisko pracownika)</p> <p>..... (data i miejsce umieszczenia)</p> <p>do wykonywania czynności na:</p> <p>..... (nazwa stanowiska)</p> <p>Wystawił: ..... (data, podpis i pieczęć wystawcy)</p> <p>symbol druku      ścisłego zarachowania</p>
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<p>1. Autoryzacja na:</p> <p>..... (obszar, nazwa technicznego posterunku ruchu lub typ pojazdu kolejowego)</p> <p>..... (data dokonania autoryzacji)                      (podpis i pieczęć potwierdzającego)</p> <p>2. Autoryzacja na:</p> <p>..... (obszar, nazwa technicznego posterunku ruchu lub typ pojazdu kolejowego)</p> <p>..... (data dokonania autoryzacji)                      (podpis i pieczęć potwierdzającego)</p> <p>3. Autoryzacja na:</p> <p>..... (obszar, nazwa technicznego posterunku ruchu lub typ pojazdu kolejowego)</p> <p>..... (data dokonania autoryzacji)                      (podpis i pieczęć potwierdzającego)</p> <p style="text-align: center;">- 2 -</p>	<p>4. Autoryzacja na:</p> <p>..... (obszar, nazwa technicznego posterunku ruchu lub typ pojazdu kolejowego)</p> <p>..... (data dokonania autoryzacji)                      (podpis i pieczęć potwierdzającego)</p> <p>5. Autoryzacja na:</p> <p>..... (obszar, nazwa technicznego posterunku ruchu lub typ pojazdu kolejowego)</p> <p>..... (data dokonania autoryzacji)                      (podpis i pieczęć potwierdzającego)</p> <p>6. Autoryzacja na:</p> <p>..... (obszar, nazwa technicznego posterunku ruchu lub typ pojazdu kolejowego)</p> <p>..... (data dokonania autoryzacji)                      (podpis i pieczęć potwierdzającego)</p> <p style="text-align: center;">- 3 -</p>
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### Further information

Additional information on the confirmation of qualifications of staff employed on positions related to railway transport operation and safety can be obtained in the Department of Exploitation Control and Traffic Safety in UTK (telephone number to the Department's secretariat +48 22 630 19 47).

# Keeping relevant documents on the train

Railway undertakings are obliged to keep the relevant documents in the train that confirm that railway undertakings comply with all the safety requirements specified in regulations.

## National regulations

In Polish legal system, issues of keeping the relevant documents in the train are regulated by the Railway Transport Act of 28 March 2003, in particular art. 13.

Moreover, related procedures are regulated by the Ministry of Transport Regulation of 2 November 2006 on the documents that should be present in a railway vehicle.

## What documents should be kept in the train?

The following documents should be kept in the train:

- certificate of railway vehicle technical efficiency,
- the card of brake test and pneumatic equipment,
- list of railway vehicles within the train,
- wagon's log book – in passenger wagon and in wagon of a passenger type.

President of UTK is authorized to control whether the infrastructure managers, railway undertakings or railway siding users obey safety regulations, in particular concerning documents that have to be kept in a railway vehicle being in movement (art. 13 par. 2 item 3 ltr. b)).

## Further information

Additional information on the obligation to keep the relevant documents in the railway vehicle can be obtained from the Department of Exploitation Control and Traffic Safety in UTK (telephone number to the Department's secretariat +48 22 630 19 47).

# Safety controls and penalties

The President of UTK is responsible for assurance and protection of safety of railway traffic system in Poland, as well as for levying possible penalties for infringements related to the safety issues.

## European regulations

Principles of safety controls and penalties for infringements are regulated by Directive 2004/49/EC of the European Parliament and of the Council on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of fees for the use of railway infrastructure and safety certification.

## National regulations

In Polish legal system, issues of controls and penalties for infringements of safety are regulated by the Railway Transport Act of 28 March 2003, in particular by art. 13-14 and art. 65-66. Moreover, the procedures related to this scope are regulated by following legal acts:

- The Act of 31 March 2004 on the dangerous goods railway transport
- The Ministry of Transport's Regulation of 12 March 2007 on the conditions and course of issuing, prolonging, changing and revoking safety authorization, safety certificates and safety licenses
- The Ministry of Infrastructure's Regulation of 29 February 2008 on the activities performed by the President of UTK for which fees are collected, the amount of these fees and the method of their collection

## When and how safety controls are conducted?

The President of UTK, within the scope of technological supervision on railway lines exploitation and railway traffic safety, is entitled to perform the following controls (art. 13 par. 2 item 1a, item 3 ltr. a), b), c), d), item 4, item 5):

- Controlling the fulfillment of conditions and requirements contained in safety authorizations, safety certificates and safety licenses and control of the compliance of operations of infrastructure managers and railway undertakings with the EU and national safety regulations,
- controlling the fulfillment by infrastructure managers, railway undertakings and railway siding users of the obligations related to the railway traffic safety, and in particular:
  - the rules of railway traffic and signalization operation referred to in art. 17,
  - the technical conditions of railway vehicles exploitation, referred to in art. 20, including the validity of technical efficiency certificates, referred to in art. 24, and the documents that should be present in a moving railway vehicle, referred to in art. 25,
  - the conditions that should be met by employees on posts directly related to the operation and safety of the traffic on railway lines and operating railway vehicles referred to in art. 22,
  - the rules of obtaining qualifications and performing obligations of the railway transport of hazardous goods safety advisor, referred to in the Act of 31 March 2004 on the dangerous goods railway transport,
- supervision over the observance of safety rules in the railway transport and the proper maintenance and exploitation of railway lines and railway sidings,
- supervision over the safety of railway transport of hazardous goods.

## What does the process of control look like?

Information on the process of exercising control are presented in the separate procedure "Control over railway entities" presented in the guide.

## What can be the result of control?

The control exercised by the President of UTK may result in decision or resolution that aims at removal of the discrepancies. In case of finding the infringement of railway regulations, decisions or resolutions the President of UTK issues a decision specifying the scope of the infringement and the date of discrepancies removal (art. 13 par. 4 i 6). The President of UTK by means of decision (art. 14 par. 2):

- discontinues or limits the railway traffic on a railway line or its section or on the railway siding in the case of a threat to the railway traffic safety or the passenger and goods transport safety;
- excludes a railway vehicle from exploitation or limits its exploitation if it does not meet the requirements specified in the regulations issued on the basis of art. 20, art. 23 par. 4 item 1 and art. 24 par. 5.

The above-mentioned decisions of the President of UTK are immediately enforceable.

## Is the President of UTK allowed to impose financial penalties?

With a financial penalty shall be punished any entity:

- infrastructure manager or railway undertaking who:
  - submits the safety reports to the President of UTK beyond the deadline,
  - did not inform the National Commission of Railway Accidents Investigations about the serious accident or incident,
  - hinders the Commission's tasks
- infrastructure manager, railway undertaking or railway siding user who:
  - conducts operations without the proper authorization document, i.e. safety certificate, safety authorization or safety license,
  - prevents the employees of other railway undertaking, infrastructure manager or railway siding user from training or access to triaging facilities (art. 66 par. 1).

The penalty is also imposed on the entity that:

- transports dangerous goods that are not admitted to the international transport,
- transports particular dangerous goods despite the fact that it is prohibited or restricted on given railway areas,
- being obliged to, does not appoint the railway transport of hazardous goods safety advisor,
- being the advisor does not fulfill the obligations set in art. 31 par. 1 item 3 and 4 of the Act of 31 March 2004 on the dangerous goods railway transport.

For the violation of any of the provisions listed above, the President of UTK shall impose, by means of a decision, a financial penalty in the amount **up to 2% of the annual revenue of the entity**, achieved in the preceding calendar year. The President of UTK may withdraw from imposing a fine, if the consequences of the infringement have been removed by the entity within the time limits specified in the decision. Regardless of the financial penalty specified above the President of UTK may impose a financial penalty on the chief manager of the infrastructure manager and railway undertaking, however, this penalty may not exceed 300% of his monthly salary (art. 66 par. 1 item 2 ltr. b) and art. 66 par. 2 and 3).

## Shall the entities pay for the inspections?

The entities pay the cost for the inspections if they consist of specialist investigations and measurements and are executed by the President of UTK. The fees for the control exercise are regulated by the Ministry of Infrastructure Regulation of 29 February 2008 on the activities performed by the President of UTK for which fees are collected, the amount of these fees and the method of their collection. The fee is paid in two parts:

- 50% of the minimum fee for a given type of activities – when starting the control,
- the rest of the fee – when receiving the control protocol (Regulations, art. 2 item 2).

### Further information

Additional information on the safety controls and penalties can be obtained in the Department of Exploitation Control and Traffic Safety in UTK (telephone number to the Department's secretariat +48 22 630 19 47).

# Control over railway entities

The President of UTK controls railway entities. The controls apply to both safety and infrastructure access issues. The President of UTK controls in particular whether railway undertaking meets the conditions specified in the license. The President of UTK is also competent to control the fulfillment of requirements associated with safety of railway traffic.

## European regulations

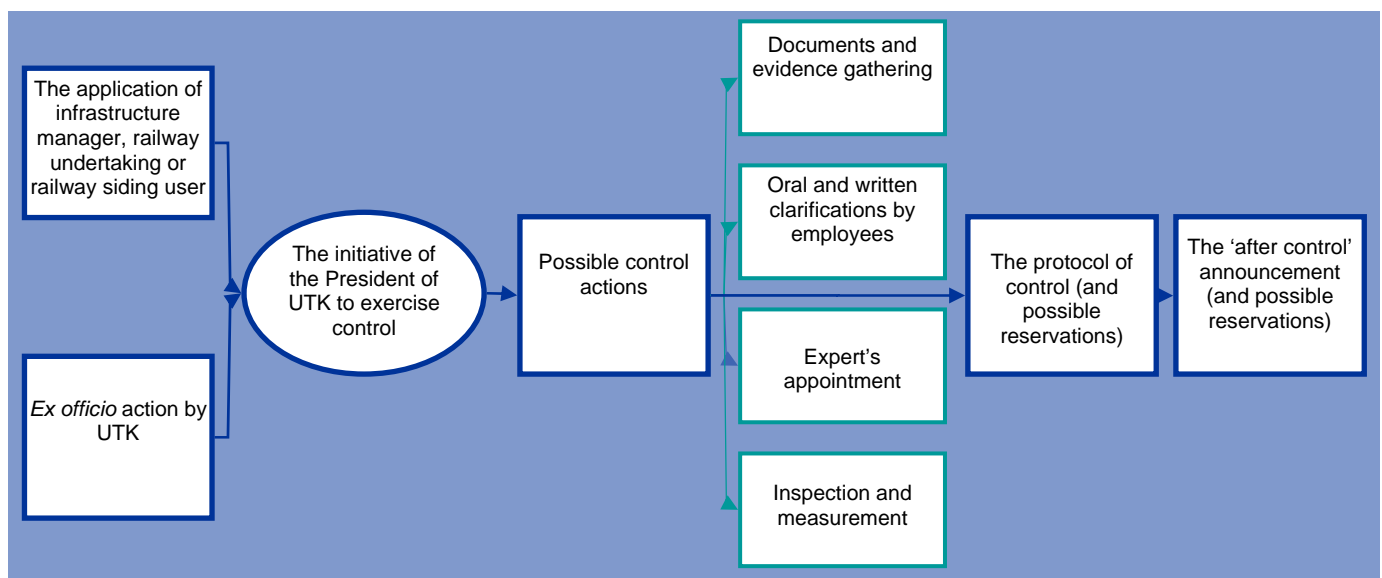
The rules of control over railway entities in the European Union are regulated by Directive 2004/49/EC of the European Parliament and of the Council on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of fees for the use of railway infrastructure and safety certification.

## National regulations

Rules of exercising control by the President of UTK in the Polish legal system are regulated by the Railway Transport Act of 28 March 2003, in particular by art. 13 and 15. Moreover, the procedure of control is regulated by the Ministry of Transport's Regulation of 12 March 2007 on the performance manner of controls by the President of the UTK and by the Act of 31 March 2004 on the dangerous goods railway transport.

## What does the process of exercising control look like?

The figure below presents the process of exercising control of railway entities by the President of UTK.





## Who can apply for exercising control of railway entity?

The infrastructure manager, railway undertaking and railway siding user may apply to the President of UTK to exercise control of another infrastructure manager, railway undertaking or railway siding user.

The application should contain:

- the applicant's designation,
- the designation of the unit where the control shall be exercised,
- detailed determination of scope and subject of the control,
- determination of actual circumstances which justify the need to exercise control.

The President of UTK informs the applicant in writing on exercise or denial to exercise control. In case of a denial, the President of UTK gives reasons of the denial.

The President of UTK may exercise control ex officio.

## Who exercises control?

Control is exercised by employees of UTK based on their professional identity card and personal authorization to exercise control which is drawn up by the President of UTK in writing. The President of UTK may, in writing, authorize the directors of Local Departments of UTK to draw up the authorizations to exercise control for employees of Local Departments. The employees who do not possess those authorizations may not exercise control.

## What do the control actions look like?

On the day when the control will start, the controlling party informs the director of the controlled entity about the subject of control.

The control is exercised **in the premises of the controlled entity** and other places during the period the entity is performing its operations, and should be exercised in a way that does not cause disruptions of the controlled entity's operations.

The control actions are exercised in presence of controlled entity's employees which are designated by the director of the controlled entity or the person authorized by the director. **The employees of UTK must not exercise control without the presence of those persons.**

During the control **the controlling party may require from the director of the controlled entity** or the person authorized by the director:

- to present all the documents and evidence necessary to exercise control;
- to present oral and written clarifications by the controlled entity's employees in scope of control and to assure that clarifications are presented on time;
- to provide conditions and means that are at controlled entity's disposal and that are necessary to exercise control effectively;
- to prepare true copies, duplicates or excerpts from documents and lists and data necessary to exercise control;
- to assure the inviolability of evidence secured by the controlling party, that is left for safekeeping in the controlled entity.

The copies, duplicates and excerpts from documents and the correctness of lists, data and calculations necessary to exercise control are certified as true copy by the director of the controlled entity or the person authorized by the director.

If, in course of control actions, it turns out that in order to exercise control correctly it is necessary **to secure evidence**, the controlling party may apply to the President of UTK for the right to secure evidence.

If, in course of control, it is necessary **to carry out investigation** that requires special knowledge, the controlling party may appoint an expert who is relevant according to scope and subject of the control, to give his opinion.

The controlling party may conduct **inspections and measurements**. There should be prepared a protocol of inspection and measurement, for which the annex may be prepared in the form of registry of technical equipment's history.

The controlling party may require from employees of the controlled entity **to present oral and written clarifications** in the period set by the controlling party. The protocol is prepared of oral clarifications. Written clarifications and the protocol should contain signatures of the persons giving clarifications. The denial to give clarifications by employees of the controlled entity may only be accepted in case when clarifications may apply to facts and circumstances disclosure of which may cause a penal liability, disciplinary liability or financial liability of the persons called on to give clarifications and their intimates. Otherwise there is no ground for employees to deny to give clarifications.

The persons staying within the controlled entity during the period when the control is exercised may, on their own request, give to the controlling party oral or written clarifications that regard the subject of control. The controlling party prepares the protocol of the oral clarification which is signed by the controlling party and the person giving clarifications. The controlling party may not deny to accept the clarifications if they are associated with the subject of control.

## What does the protocol of control look like?

The results of the exercised control are presented in the protocol of control which should be prepared **during the period of 7 days since the control was terminated**.

The protocol should contain in particular:

- date and place of preparation of protocol,
- name of the controlling party and the number and date of the authorization to exercise the control,
- name and position of the person or persons which were present during the exercise of the control,
- control's commencement and termination date,,
- specification of the subject and scope of the control,
- description of actual state that was determined when the control was exercised, including the description of discrepancies,
- indication of persons responsible for the discrepancies,
- notes on the preparation of duplicates, excerpts and copies of the controlled documents,
- list of the annexes to the protocol,
- information that the director or the acting director of the controlled entity was informed about his right to submit reservations to the protocol and the right to deny to sign the protocol.

The protocol of control is prepared in two copies. One copy is handed to the director of the controlled entity and the second copy is handed to the controlling party.

The protocol of control is signed by the controlling party and the director of the controlled entity, and in case of his absence – by the acting director.

The director or the acting director of the controlled entity may submit, before signing the protocol of control, the written reservations on the protocol's settlements during 7 days since he obtained the protocol of control. In case of submitting the reservations, the controlling party should immediately analyze them and exercise additional control in scope of the submitted reservations, if necessary, during 7 days since the day the controlling party obtained them, and in case they are justified should amend or complete the appropriate part of the protocol of control. In case when the reservations are not justified, the controlling party informs the controlled entity in writing during 7 days since the controlling party obtained the reservations on the opinion of the controlling party. In case when the reservations are not justified the director of the controlled entity or the acting director may deny to sign the protocol of control, by submitting to the controlling party, during 7 days since they obtained the information, the written justification of the denial.

The denial to sign the protocol of control is not an obstacle to sign the protocol by the controlling party and to exercise the control arrangements. In case of the denial to sign the protocol of control, the controlling party inserts to the protocol the appropriate information and description of the reasons of denial to sign the protocol of control submitted by the director or the acting director of the controlled entity.

## What does the 'after control announcement look like?

The President of UTK submits the 'after control' announcement to the director or the acting director of the controlled entity during 10 days since protocol of control was signed.

The 'after protocol' announcement contains the evaluation of the operations resulting from the findings of the protocol of control. In case of the discrepancies, the 'after protocol' announcement should indicate the regulations which were infringed and the notices and conclusions on their elimination in the indicated period.

The director or the acting director of the controlled entity who received the 'after control' announcement may, during 7 days since he obtained it, submit the justified reservations regarding the notices and conclusions. The president of UTK during 7 days since he obtained the reservations presents his opinion to the controlling entity.

The director or the acting director of the controlled entity who received the 'after control' announcement, informs in writing the President of UTK about the actions taken in order to execute notices and conclusions of the control, during the period specified in the announcement, and in case he submitted reservations – during 7 days since he obtained the opinion of the President of UTK.

### Further information

Further information on the process of control may be obtained, depending on what the control applies for, in the Department of Exploitation Control and Traffic Safety at UTK (tel. +48 22 630 19 47) or in the Department of Railway Transport Regulation at UTK (tel. +48 22 630 18 40).





An aerial photograph of a large industrial facility, likely a refinery or chemical plant. The image shows a dense arrangement of large, white, cylindrical storage tanks. Some tanks have metal walkways and ladders on top. In the foreground, a worker wearing a yellow hard hat and a dark jacket is walking on a gravel path, looking towards the tanks. The sky is clear and blue. A blue semi-transparent banner is overlaid across the middle of the image, containing the text "IV. Protection of final consumers' rights".

## IV. Protection of final consumers' rights



# Passengers

**The President of the Office of Competition and Consumer Protection** (Urząd Ochrony Konkurencji i Konsumentów, which will be further referred to as UOKiK) executes the tasks concerning the protection of passengers' rights. The information on the actions that can be taken by consumers in case when they consider that their rights have been infringed and on the competences of the President of UOKiK regarding the protection of passengers' rights is presented below.

## European regulations

Currently, the Third Railway Package introduces into the European legal system new regulations applying to the protection of passengers' rights through Regulation No 1371/2007 of the European Parliament and of the Council on rail passengers' rights and obligations (which will come into force at the end of 2009).

## National regulations

The legal basis in Polish regulations concerning the protection of passengers' rights is included in The Act of 15 November 1984 – Transport Act. The procedure is also based on the following regulations:

- The Act of 14 June 1960 – Code of Administrative Procedure
- The Act of 23 April 1964 – Civil Code
- The Act of 17 November 1964 – Civil proceedings code
- The Act of 16 April 1993 on combating unfair
- The Act on specific terms and conditions of consumer sale and amendments to the Civil Code (Ustawa z dnia 27 lipca 2002 r. o szczególnych warunkach sprzedaży konsumenckiej oraz o zmianie Kodeksu cywilnego (
- The Act of 23 August 2007 on the counteraction against unfair market practices

## What are the obligations of railway undertaking when it transports passengers?

One of the basic obligations of railway undertakings is to comply with regulations which specify the rules of passengers' and goods' transport. Before the railway undertaking starts operating, it has to inform the publicity of the scope of its operations and, first and foremost, of the addresses of check-in points and the way it will draw up the transport contract. The transport contract is drawn up by buying a ticket from train guard or at the station.

Railway undertakings are also obliged to assure safe and hygienic conditions for passengers, and also other amenities which are necessary for a given type of transport. Railway undertaking should take actions that enable to use the means of transport, check-in points, stations and platforms by the disabled using the wheelchair.

### Changes introduced by the Third Railway Package

The Third Railway Package, which will come into force at the end of 2009, obliges railway entities to introduce non-discriminatory rules of access to transport facilities for the disabled and the persons with reduced mobility, also on the stations where the staff is absent.

## What are the rights and obligations of railway passengers?

The passenger has a right:

- to take a train in properly safe and hygienic conditions,
- to be properly served by railway undertaking,
- to change the ticket or to return it before he starts the journey,
- to resign from taking a train in a planned train stop on his way,
- to receive back the ticket price for the unused ticket,
- to take luggage with himself to the mean of transport or to deposit it as the luggage parcel,
- to claim compensation for the premature departure or delayed arrival of the mean of transport.

The passenger has an obligation:

- to pay for the ticket,
- to have with him the documents authorizing him to pay the reduced ticket price,
- to comply with the order regulations that are obligatory in a given mean of transport.

Railway undertaking is responsible for damages that were born for the passenger due to premature or delayed departure of the mean of transport. It is also responsible for the damage cause by cancellation of the regularly run mean of transport, but only if the damage was caused by the intentional guilt or gross negligence of railway undertaking.

Railway undertaking is responsible for the items that the passenger holds with himself under his own surveillance if the damage was caused by railway undertaking.

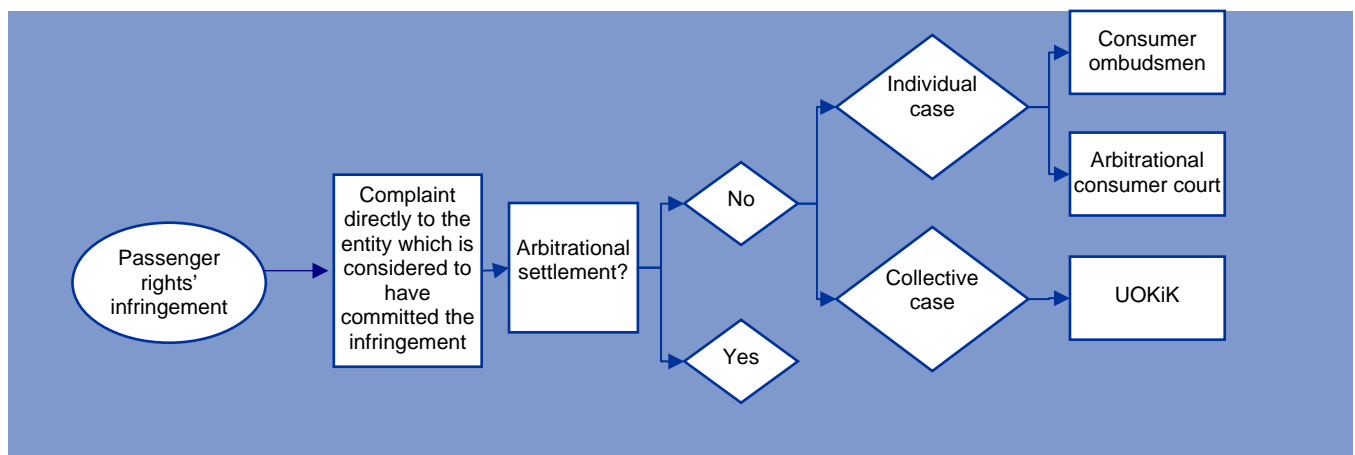
The injured party may prosecute a claim in a court after ineffective complaint. All the claims regarding transport contract expire after a year from the date of conducting the carriage and in case the carriage was not conducted – from the date on which it was believed to be conducted. The expiration period is suspended for the time since the complaint was brought until the day of responding to the complaint, but no more that 3 months.

### Changes introduced by the Third Railway Package

When the Third Railway Package will come into force, what will happen by the end of 2009, it will not be necessary to prosecute a claim in a court to receive compensation for the train's delay. Passenger will receive a compensation of 25% of the ticket price in case of the delay of 60 minutes and more and 50% of the ticket price in case of the delay of 120 minutes and more, if the railway undertaking is guilty for the delay. Railway undertaking will be allowed not to pay the compensation in case the compensation is lower than 4 Euros. It means that the regulations will cover mostly the long-distance trains. Moreover, passengers awaiting for the delayed trains will be provided with refreshments and drinks, and in some cases with accommodation and transport from station to hotel.

## What does the proceedings in case of passenger rights' infringement look like?

### The scheme of proceedings concerning the passenger right's infringements





## To whom should a passenger call at first?

A passenger considering that his rights were infringed should at first lodge his complaint directly to the entity which infringed his rights. In case of passenger transport, the consumer may claim to receive a return of the ticket price.

In case of the infringement of consumer's rights by railway entities, consumers should lodge their complaint at first to railway undertakings, infrastructure managers or other railway entities, depending on what their complaint applies for.

In case of railway undertakings' services, a consumer should identify the proper railway undertaking whose services he was provided with, and then contact the proper unit of the railway undertaking.

In case of station services (except for the ticket office and information office of railway undertakings), a passenger should contact PKP S.A. Railway Stations Unit (PKP S.A. Oddział Dworce Kolejowe).

In case of events happening at platforms and railway ground, a passenger should contact PKP Polish Railway Lines S.A. (PKP Polskie Linie Kolejowe S.A.).

## To whom should a passenger call if his complaint is not accepted?

In individual matters, consumers (including railway passengers) may obtain free legal advice from their **local consumer ombudsman or at one of the State-funded consumer organizations**.

The tasks of consumer ombudsmen include:

- providing free consumer advice and legal information regarding the protection of consumer interests,
- filing applications for local consumer protection law to be created or amended,
- addressing enterprises about issues of consumer rights and interests protection,
- cooperating with the local Branch Office of UOKiK, the Trade Inspection bodies and consumer organizations,
- filing court cases on behalf of consumers and joining, upon their consent, ongoing proceedings regarding consumer interests' protection.

In proceedings regarding misdemeanors harming consumers, the ombudsman is the public prosecutor within the meaning of the Code of Misdemeanor Procedure.

Information on the ways to contact consumer ombudsmen can be found on the Website of UOKiK (<http://www.uokik.gov.pl>).

Consumers may also opt for alternative dispute resolution provided by **the network of consumer courts of arbitration**. They exist at Voivodeship Inspectorates of the Trade Inspection. Currently, there are 16 consumer courts of arbitration with 15 branch offices. The decisions of the consumer courts, as well as settlements reached in them, are equally binding as the judgments of common courts of law, once a common court of law has confirmed their enforceability. However, the decision to use arbitration must be made by both of the parties to the dispute. Consumer courts may only hear B2C (business to consumer) disputes resulting from contracts of sales and provision of services, and only as regards property rights. The consumer courts at the Voivodeship Inspectorates of the Trade Inspection can decide cases where the value of the object in dispute does not exceed PLN 10 thousand. Only the Consumer Court in Warsaw can hear cases regardless of the value of the object in dispute.

A case may be filed to the court of arbitration not only by the consumer but also by the enterprise, a consumer organization, or the local consumer ombudsman. Each of the parties may have an attorney, who does not have to be an advocate or legal advisor. The hearings are open to the public and their minutes are taken. The decision is made by majority vote and a notice thereof, together with the grounds of the decision, is sent to the parties within 14 days. The costs of the proceedings are covered by the losing party. The presiding judge may also exempt the parties from paying the costs altogether.

Breach of collective consumer interests is meant by the situation when the detrimental effects of an unlawful practice employed by an enterprise affect an unlimited number of people – which means that potentially anybody can be harmed. Consumers who want to file a complaint about a presumed violation of collective consumer interests, which may consequently constitute the basis for initiation of administrative proceedings, **should address UOKiK** in writing. Pursuant to Article 63(2) of the Code of Administrative Procedure, all complaints and requests to UOKiK must contain detailed contact data of the sender. **Anonymous requests will not be considered.**

## To what consumer organizations may a passenger call?

Consumers (including passengers) in case of the infringement of their rights may obtain free legal advice from one of the State-funded consumer organizations:

Polish Consumer Federation	<a href="http://www.federacja-konsumentow.org.pl">www.federacja-konsumentow.org.pl</a>
The Association of Polish Consumers	<a href="http://www.skp.pl">www.skp.pl</a>
European Consumer Centre Poland	<a href="http://www.konsument.gov.pl">www.konsument.gov.pl</a>
Ombudsman's Office	<a href="http://www.rpo.gov.pl">www.rpo.gov.pl</a>

### Further information

Further information may be obtained in the Department of Consumer Policy at UOKiK (tel. +48 22 556 04 24).

# Entities being clients of railway undertakings

**The President of Office of Competition and Consumer Protection** (Urząd Ochrony Konkurencji i Konsumentów, which will further be referred to as UOKiK) is entitled to protect the rights of shippers and other entities being clients of railway undertakings. This chapter contains crucial information for those entities whose rights could be violated and information about powers of the President of UOKiK in this scope.

## National regulations

The base law concerning protection of rights of entities being clients of railway undertakings is included in the Railway Transport Act of 28 March 2003. The procedure is also based on the following regulations:

- The Act of 14 June 1960 – Code of Administrative Procedure
- The Competition and Consumer Protection Act
- The Act of 23 April 1964 – Civil Code
- The Ministry of Transport and Construction's Regulation of 24 February 2006 on the state of freight determination and on complaint procedure

## Obligations of railway undertakings

Railway undertakings bear liability for loss, breakage or damage of goods when they conduct transport, and for time delay. Railway undertakings do not bear responsibility mentioned above if loss, breakage or damage of objects were caused by shipper or receiver, or due to physicochemical properties of transported objects or force majeure.

## Rights and obligations of entities being clients of railway undertakings

Entities being clients of railway undertakings have rights to receive compensation in cases mentioned below.

Railway undertakings have to meet the claims:

- of cargo forwarder or receiver, depending on who paid for the transport – reimbursement of fee or part of it,
- of cargo forwarder or receiver, depending on who has right to dispose the transported goods – other claims concerning the transport contract.

Entities have rights to claim the compensation for the carriage delay that did not cause the breakage or damage of goods, but only for the period of two months since the day the shipment was received.

The amount of compensation for loss or breakage of the shipment can not be higher than estimated value based on (in the following order):

- 1) price from the invoice, or
- 2) price from the tariff valid on the day of sending the shipment, or
- 3) value of similar object in the place and on the day it was sent.

In case of physical damage the compensation is calculated as the percentage of depreciation.

Additionally, railway undertaking is obliged to compensate transportation fee and other transportation costs:

- in case of loss of goods – the full amount of all costs
- in case of breakage of goods – the relevant part of costs
- in case of damage of goods – the relevant percentage of value of depreciation of objects caused by this damage.

In case of detriment caused by delay which is different than loss, breakage or damage, railway undertaking is obliged to compensate it in double amount of value of transportation fee.

## To whom entity should complain first?

As a first step, in case of damage, entity being the client of railway undertaking should claim to the relevant railway undertaking. The Ministry of Transport and Construction's Regulation of 24 February 2006 on the state of freight determination and on complaint procedure, § 4-6 describe rules of lodging the complaint in case of a damage.

Entities entitled to lodge a complaint are:

- cargo forwarder, or
- receiver, if forwarder abandons the claim.

Entitled entities can lodge a complaint for breaching the freight agreement or for insufficient execution of the freight agreement. This complaint should have a written form. The complaint should include:

- date of complaint,
- name and premises of railway undertaking,
- name and premises of the entity lodging the complaint,
- reason and justification of the complaint,
- amount of claim (separately for each consignment note),
- signature of person(s) entitled to lodge the complaint,
- consignment note,
- true copies of another documents related to the complaint.

If the complaint does not meet the conditions listed above, railway undertaking calls on the entity to complete, in fourteen-day period, the complaint or documents enclosed to the complaint. If the application is not completed, it will not be considered. The date of delivering the complete complaint documentation is considered as a date of lodging the complaint.

The response for complaint should be submitted as soon as possible, but no later than in the thirty-day period since the day of obtaining the complaint. The response for complaint should, in particular, include:

- information on accepting or rejecting the complaint,
- justification of rejecting the complaint specifying the legal grounds (rejecting the whole complaint or a part of it),
- in case of accepting the complaint - the amount of indemnity and information about the date and way of the payment of indemnity,
- in case of repayment – the amount of repayment and information about the date and way of the payment,
- information about the right to appeal to the local court.

The clause prohibiting to deduct the amounts of claim from the liabilities for railway undertaking is included in the freightage regulation by many of railway undertakings.

## To whom should entity complain in case of rejecting of the complaint?

Entities may also opt for alternative dispute resolution provided by the network of consumer courts of arbitration. The decisions of the consumer courts, as well as settlements reached in them, are equally binding as the judgments of common courts of law, once a common court of law has confirmed their enforceability. However, the decision to use arbitration must be made by both of the parties to the dispute.

Each of the parties may have an attorney, who does not have to be an advocate or legal advisor. The hearings are open to the public and their minutes are taken. The decision is made by majority vote and a notice thereof, together with the grounds of the decision, is sent to the parties within 14 days. The costs of the proceedings are covered by the losing party. The presiding judge may also exempt the parties from paying the costs altogether.

Entities may also deliver information about violation of competition directly to the President of Office of Competition and Consumer Protection (UOKiK).

## What is the subject of investigations of competition protection?

According to the Polish law, the entity may not apply to initiate the administrative proceedings by the President of UOKiK, but the may deliver to UOKiK the information about undertakings that violate antitrust rules. The President of UOKiK conducts ex officio investigations.

Those investigations cover actions taken by firms who have dominant position on the market and who aim at eliminating their competitors or who threat their competitors and consumers by unfair way destroying competition as the effect.

According to the Competition and Consumer Protection Act there are two kinds of restricting practices: abuse of a dominant position on the market and prohibited agreements (cartels).

### **“Competition protection”**

More information on the restricted practices that are subject of investigations of competition protection is included in „Competition protection” chapter.

### **Further information**

Further information may be obtained in the Department of Competition Protection at UOKiK, tel. +48 22 55 60 299.



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