

Office of Rail Transport

<https://utk.gov.pl/en/new/15349,Two-LEO-Express-companies-have-applied-for-open-access.html>
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Two LEO Express companies have applied for open access

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The Office of Rail Transport (Pol. Urząd Transportu Kolejowego, UTK) has received two similarly worded applications from Leo Express s.r.o. and Leo Express Global a.s. (both from the Czech Republic) requesting open access for the railway route Prague – Wrocław. Both carriers have applied for permission to operate trains on that route for the period of 5 years, beginning at the end of 2019.

The carriers plan to operate trains between Fridays and Mondays, among those there is one trip Prague-Wrocław planned on Fridays, two return trips on Saturdays and Sundays and one trip (Wrocław-Prague) – on Mondays. They indicate that the main goal of suggested connections is the international transfer by rail on the route Prague – Wrocław.

Before the final decision by the President of UTK is issued, UTK may conduct examination with regard to the influence of planned connections on the existing ones. Such examination takes place only by way of an application by interested parties, submitted within four weeks from the publication of official information regarding the open access applications.

In order for a carrier from another EU member state to offer its services in Poland such carrier should fulfil the following conditions: hold the operating licence, safety certificates parts A and B as well as a valid official decision by the President of UTK with regard to the open access to railway infrastructure. The operating license and safety certificate part A, issued by one EU member state, are valid in all other EU member states, without the necessity of their additional confirmation. Part B of the safety certificate confirms the fulfilment on the part of the applicant of necessary requirements with regard to the performance of railway transport services within the given railway system and is valid only in the country of its issuance.

Both Leo Express Global a.s. as well as Leo Express s.r.o. hold valid operating licences and safety certificates part A, issued in the Czech Republic. Leo Express Global a.s. holds the safety certificate part B, issued by the President of UTK and valid until 20 April 2022. Leo Express s.r.o. in turn is in the process of acquiring its safety certificate part B, this being the subject of a separate administrative procedure at UTK.

Another document, necessary on the part of a foreign carrier to begin its railway services on a given route, is the decision with regard to open access to railway infrastructure on an international route. Before such decision is issued, the regulatory body (in case of Poland – UTK) may examine the main goal of such service or its influence on the economic balance of the public services contract (PSC). The President of UTK however conducts such examination only if authorised entities request such examination.

During the examination of the main goal UTK checks whether the goal of the new connection is to introduce the service of passenger transport by rail between EU member states or whether it only means such service within the territory of one member state. The President of UTK examines such application upon request of an authorised entity (one that has ordered a PSC to be performed, f.e. the Ministry of Infrastructure, a local government entity) or a railway undertaking, which has already been performing such service on this route, as a result of a PSC.

The President of UTK may also examine the influence of such new service on the economic balance of the said PSC. Such balance may be faced with potential dangers if the new service is poised to negatively influence the profitability of the services performed based upon the PSC.

In 2017 the President of UTK had issued a positive decision with regard to Leo Express allowing passenger transfers by rail on the Prague – Kraków international route.