

Office of Rail Transport

<https://utk.gov.pl/en/new/16957,Open-access-info-and-FAQs.html>
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Open access info and FAQs

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A new subpage on open access to railway infrastructure is now available on the website of the Office of Rail Transport. You can find all information on procedures, required forms and economic equilibrium test in one place.

The information provided on the [new page](#) takes into account recently introduced legal changes. Regulation 869/2014 which was the basis for last year open access decisions expired on December 12, 2020. Now the legal basis for pending and future open access proceedings is Regulation 2018/1795.

The open access procedure is now described in more accessible format of [FAQs](#). Anyone interested in open access to railway infrastructure can find all relevant information on legal rules, requirements and what the Office of Rail Transport (the regulatory body) focuses on during the proceedings. Rail operators planning to launch new rail passenger services and entities which are entitled to request an economic equilibrium test can easily access information on:

- deadlines for submitting applications along with downloadable forms,
- economic equilibrium test procedure,
- confidentiality of information provided,
- fees,
- submitted notifications,
- decisions on open access issued by the Office of Rail Transport.

In November 2020 the Office of Rail Transport submitted to a public consultation a draft of guidelines on "Applicant's notification and methodology of economic equilibrium test in open access procedure". The document described how new rules on granting open access to railway infrastructure are going to be applied by the Office of Rail Transport and how administrative proceedings on open access will be conducted. After an analysis of comments received (37 formal or substantive comments from 5 entities), the methodology of the economic equilibrium

test will be published on the Office's website in an updated version.

Legal basis

- Commission Implementing Regulation (EU) No 869/2014 of 11 August 2014 on new rail passenger services (OJ L 239, 12.8.2014, p. 1-10).
- Commission Implementing Regulation (EU) 2018/1795 of 20 November 2018 laying down procedure and criteria for the application of the economic equilibrium test pursuant to Article 11 of Directive 2012/34/EU of the European Parliament and of the Council (OJ L 294, 21.11.2018, p. 5-14).