

SUMMARY INFORMATION SHEET ON AID MEASURES IN FORCE ON 1ST MAY 2004 (EXISTING AID)

1. GENERAL ASPECTS

Country: POLAND

Title of the aid measure (English):

Procurement of passenger traffic rolling stock and inter-operational engines.

Title of the aid measure (Original language):

Zakup pojazdów kolejowych przeznaczonych do przewozów pasażerskich oraz lokomotyw interoperacyjnych

Legal basis (precise reference):

Since the Polish railways are in the process of restructurisation, the regulations were changing though the aid was provided continuously. The first legal basis was Article 69 p. 8 Law of 12 October 2000 on commercialization, restructuring and privatization of state enterprise "Polish State Railways" (Journal of Laws of 2000 No 84 item 948 as amended). This Article introduced amendment to the Law of 27 June 1997 on railway transport (Journal of Laws of 1997 No 96 item 591 as amended). According to this amendment purchase of rolling stock for regional passenger operations became a task of regional governments. This task was financed from central budget in the form of subsidies (art. 79.1 Law on commercialization...). Since January 1 of 2004 this task is financed from regional governments' own funds. This change was introduced by art. 68 and art. 70 Law of November 13 2003 on income of regional governments (Journal of Laws of 2003 No 203 item 1966). Central government has the right to purchase new rolling stock by art. 38.6 and 42.1 of the Law of March 28 2003 on railway transport (Journal of Laws of 2003 No 95, item 953 as amended). This law replaced Law of June 1997 27 on railway transport. The ordinance of the Council of Ministers of March 16 2004 on approval of support programme for the year 2004 (Journal of Laws of 2004 No 56, item 542); The Law on 2004 budget, Appendix 2 Part 83, 758, Chapter 75818 para. 4810, item 71 – regional passenger traffic (Journal of Laws of 2004 No 17, item 161).

Ministry or other administrative body responsible for the measure and its implementation:

The Managing Authority responsible for management and implementation of the projects under the measure is the Ministry of Infrastructure.

Person(s) to contact:

Agata Mazurkiewicz,
telephone number: 48 22 55 60 144
e-mail: amazurkiewicz@uokik.gov.pl;

Level at which the measure is administered (central government, regional, other)?

Central government.

When did the measure enter into effect?

27/10/2000- the date of entry into force of the Law of 12 October 2000 on commercialization, restructuring and privatization of state enterprise "Polish State Railways"

What is the duration of the measure (expiry date)?

unlimited

2. DESCRIPTION OF THE MEASURE

Which transport sector is eligible (rail, aviation, maritime, etc.)?

Rail

What are the main aim(s) and objectives of the aid?

This measure is aimed at improving travel conditions for passenger using the rail service between agglomerations and within them. The improvement will involve procurement of rolling stock and inter-operational engines. Introduction of new rolling stock to service will be the complement to the reconstruction of railway lines. Introduction of these two measures together will enhance the quality, speed and comfort of travel.

Form of the measure (scheme, ad hoc, individual)

Scheme

What are the instruments (or forms) of aid:

Direct grant.

For each instrument of aid please give a short description of the conditions applying to the instrument.

Final Beneficiaries of the measure will be railway undertakings providing passenger transport.

Implementation of this measure will be based on an agreement concluded between the Sectoral Operational Programme Transport Managing Authority and the Ultimate Beneficiary of the assistance. The agreement will establish inter alia eligible costs of project including maximum allocation of EU funds by implementation periods as well as the source of national counterpart financing. The agreement may also include detailed conditions for the use of funds and accounting for the structural funds of the EU.

Budget: give the overall budget made available for the measure (in local currency and Euros)

1/01/2001 – 31/12/2003: about PLN 207 mln (EUR 46 mln)

Estimated budget available for the measure in years 2004-2007 amount PLN 855 mln (EUR 191 mln)

Tabela kursów nr 163/A/NBP/2004 z dnia 20-08-2004, 1EUR= 4,4725 PLN).

Is the budget adopted annually? If yes, what is the average annual budget?

No

Specify the eligible beneficiaries (i.a. their character and estimated number).

Railway undertaking providing passenger transport.

Is the aid available on non-discriminatory basis, open to all potential beneficiaries, irrespective of nationality?

Yes

What are the eligible costs?

- Procurement and modernisation of:
 - Units for passenger transport,
 - Interoperative engines,

What is the maximum aid intensity?

As specified by Polish regulations concerning state aid.

Specify the criteria according to which the amount of aid and/or the aid intensity has been calculated.

As above.

Does the measure provide “operating aid”? If “Yes”, please provide details.

No

If the measure relates to services of general economic interest or public service obligations, please specify by what means this task has been entrusted to the undertaking and how compensation is calculated.

By the Annex 4 p. 3 Competition policy of the Accession Treaty Poland can retain aid on the sector of transport for three years after the accession. Therefore we don't appeal to notions of general economic interest and public service obligation.

May the aid in question be cumulated with any other aid measures in operation and if so, does the measure contain provisions limiting the cumulation of aid?

No

Does the aid measure fall within existing exemption regulations or guidelines? If so, please specify.

According to the Polish authorities the a.m. measures doesn't constitute state aid in the meaning of Article 87 of the EC Treaty. This measure don't disturb competition.