

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):

Grant for the liquidation of rail rout or co-financing of the cost of maintenance of rail rout, in the part not covered by railway undertakings' payments;

Title of the aid measure (Original language):

Udzielenie dotacji na likwidację linii kolejowych lub współfinansowanie kosztów utrzymania linii kolejowej lub odcinka linii kolejowej niepokrytych przychodami z ich udostępniania;

Legal basis (precise reference):

Act of 28 March 2003 on railway transport (Journal of Laws of 2003 No. 86, item 789, as amended) – Article 9.

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

Central government, regional and local authorities;

Person(s) to contact:

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

Central government, regional and local authorities;

When did the measure enter into effect?

1/06/2003 – the date of entry into force of the Act on railway transport;

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

Unlimited duration;

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?

The main objective of the measure is to ensure the existence of railway connections and co-financing of deficit railway connections;

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.

When a railway infrastructure manager finds that revenues from providing railway infrastructure do not cover costs of providing it, it informs railway undertakings on his intention to liquidate certain rail route or section of it provided that the analysis of submitted applications for track assigning confirm the deficiency of the given route. The infrastructure manager also informs the appropriate local authority on its plans to liquidate the route and submits application to the Ministry of Infrastructure for the permission to liquidate this route. The liquidation proceedings may be suspended in the following cases:

- 1) the local authority or undertaking chosen by local authority ensures financial resources to cover the costs exceeding revenues from providing infrastructure connected with the route in question,
- 2) the local authority or undertaking chosen by local authority concludes agreement on free of charge overtaking of the given route in order to manage it during further exploitation,
- 3) the local authority or undertaking chosen by local authority joins the regional carriages company, which will take over the given route for further exploitation as a free contribution;

If the liquidation proceeding is not suspended the appropriate authority issues the permission for liquidation of the route by the end of three-month period since application. In case of routes of State importance the Council of Ministers issues the permission, having regard economic, social, defensive and ecological concerns. In case of other routes the permission issues Minister of Infrastructure.

If the revenues from sale of land and fixed assets adherent to the liquidated route are lower than costs of liquidation, the difference is covered from State budget resources. The amount of financial resources intended for this compensation is set annually in the Budget Act.

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

No estimations are available;

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

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

Railway infrastructure managers

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

The measure envisages granting assistance on non-discriminatory basis and is open to all potential railway infrastructure managers;

What are the eligible costs?

The eligible costs are uncovered costs of providing access to railway infrastructure or costs of liquidation of rout not covered by revenues from sale of land and fixed assets adherent to the liquidated rout;

What is the maximum aid intensity?

The maximum amount of aid is equal to amount of costs not covered by revenues from providing railway infrastructure to railway undertakings. In case of grants for liquidation of rail rout the maximum amount of aid is equal to costs of liquidation of rout not covered by revenues from sale of land and fixed assets adherent to the liquidated rout;

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.

The a.m. measure is related to railway infrastructure, development of which is of general economic interest, taking into consideration its importance for social and territorial cohesion of the European Union. The support for infrastructure managers is granted in order to ensure the existence of deficit railway connections, which appropriate local authorities find necessary;

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?

Yes, the measure can be cumulated with other aid measures. The measure does not contain provisions limiting the cumulation of aid.

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

According to the Polish authorities the measure in question does not constitute State aid in the meaning of Article 87 of the EC Treaty. This is a general measures aimed at the development of infrastructure. Furthermore, as far as railway infrastructure of State importance is concerned, there is a legal monopoly in Poland, so the measure cannot distort competition.