

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):

Relief of charges related to hereditary tenure of lands underneath the railway infrastructure;

Title of the aid measure (Original language):

Zwolnienie z opłat z tytułu użytkowania wieczystego gruntów zajętych pod infrastrukturę kolejową;

Legal basis (precise reference):

Art. 6a of the Law of 27 June 1997 on railway transport (*Journal of Laws of 1997 No 96, item 591, as amended*), repealed by the Law of 28 March 2003 on railway transport (*Journal of Laws of 2003 No 86, item 789, as amended*);

Art. 8 of the Law of 28 March 2003 on railway transport (*Journal of Laws of 2003 No 86, item 789, as amended*);

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

Central and local authorities;

Person(s) to contact:

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

Central and local authorities;

When did the measure enter into effect?

1 January 1999 – entry into force of Article 6a of the Law of 27 June 1997 on railway transport, after repealing the a.m. law the relief was maintained by the Law of 28 March 2003 on railway transport, which entered into force on 1 April 2003.

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 aid is improving the attractiveness and competitiveness of railway transport. The release from hereditary tenure of lands payments results in the decreased cost beard by railway infrastructure managers, consequently the charges for usage of infrastructure incurred by railway undertakings are lower.

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

Aid scheme;

What are the instruments (or forms) of aid?

Relief of charges related to hereditary tenure of lands;

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

The land underneath the railway infrastructure is by law released from charges related to hereditary tenure. Railway infrastructure means railways and other constructions, buildings and installations including the land underneath, placed on railway territory, intended for management, for handling personnel and carriage transport and for maintenance necessary for that purpose assets.

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

Not estimated

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).

Infrastructure managers;

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

Yes – the aid is a general measure open to all potential beneficiaries.

What are the eligible costs?

Not estimated;

What is the maximum aid intensity?

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

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

Yes, the aid results in decreased costs incurred by railway infrastructure managers.

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.

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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?

Apart from the aid in question railway infrastructure managers may be granted aid on the basis of other aid measures. As the aid in question is treated as a general measure there are no provisions limiting the cumulation of this aid.

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

According to the Polish authorities the measure does not constitute State aid in the meaning of Article 87 of the EC Treaty. The measure aims at the development of railway infrastructure. As far as railway infrastructure of State importance is concerned there is a legal monopoly in Poland, so the assistance cannot distort competition.