

# Office of Rail Transport

<https://utk.gov.pl/en/new/15374,Examination-into-the-regulations-governing-access-to-platforms-on-passenger-rail.html>  
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## Examination into the regulations governing access to platforms on passenger railway stations

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Platforms are part of railway infrastructure, and should not be treated as a railway service facility. Such is the conclusion of the verdict of the Court of Justice of the European Union (CJEU) of 10 July 2019. The Office of Rail Transport (Pol. Urząd Transportu Kolejowego, UTK) has commenced controlling activities in order to ascertain whether infrastructure managers in Poland act in accordance with the CJEU's interpretation of these regulations.

The President of UTK has begun administrative proceedings in order to check the regulations governing the access to the railway service facilities (RSF) with regard to two railway infrastructure operators – PKP S.A. and PKP Szybka Kolej Miejska w Trójmieście (Tricity) – based on the fact that both railway undertakings have been charging fees for such access. Such conduct does not conform with the verdict of the CJEU.

In its verdict of 10 July 2019 (case no. 210/18) the Court has ruled that platforms remain part of railway infrastructure, thus falling under accessibility within the framework of the minimal access package (as mentioned in [our information from 26 August](#)). The Court's verdict was reached in a case that concerns only Austria. However, one of the tasks of the CJEU is to ensure uniform interpretation of law within the whole of the European Union.

So far most of the passenger station operators as well as railway infrastructure managers have made the platforms available to railway carriers as part of a passenger station (as an RSF). The CJEU's verdict has enforced a change in such an approach, both with regard to the platforms themselves, as well as access paths leading to them. The Court's verdict, according to which platforms are part of railway infrastructure, should also be taken into account when it comes to the Polish act on railway transport, which implements the Directive 2012/34/EU into the Polish legal system. One should note that although the platforms are a physical part of passenger station, it automatically does not prequalify them as such.

In Poland most platforms and paths leading to them are under management of PKP Polskie Linie

Kolejowe S.A. As a result of the aforementioned verdict starting 22 August 2019 the company has removed from its RSF Regulation rules governing the access to platforms. It means that they are no longer qualified as RSFs.

One can still however encounter situations, where platforms are managed by other undertakings. An instance of this is PKP S.A., who owns platforms at Warszawa Centralna, Warszawa Śródmieście and Warszawa Wileńska stations. Platform infrastructure is also managed by PKP SKM in Tricity. These undertakings still charge fees for access to platforms. Therefore the President of UTK has decided to open administrative proceedings with regard to those undertakings. The aim of those proceedings is to adjust the rules regulating access to platforms and the collection of fees for such access, so that they fall in line with the CJEU's verdict.