

Office of Rail Transport

<https://utk.gov.pl/en/new/16415,Consultations-on-UTK-guidelines-on-open-access.html>
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Consultations on UTK guidelines on open access

09.11.2020

The Office of Rail Transport prepared a draft of the guidelines on "Applicant's notification and methodology of economic equilibrium test in open access procedure". The document explains how new rules on granting open access to railway infrastructure are going to be applied by UTK and how administrative proceedings on open access will be conducted. The consultations are open. Comments on the guidelines can be sent until November 27, 2020.

The guidelines were prepared to help both entities interested in obtaining access to railway infrastructure, as well as authorized entities which are entitled to request an economic equilibrium test. The procedures described in the guidelines will apply to proceedings conducted under provisions of the EU Commission Implementing Regulation 2018/1795^[1].

The guidelines provide information on:

1. the application for granting open access to railway infrastructure:

formal and substantive requirements;

fees paid by applicants;

confidentiality of commercially sensitive information in submitted documents which should not be disclosed during the proceedings;

2. the request for economic equilibrium test:

- formal and substantive requirements;
- confidentiality of commercially sensitive information in submitted documents which should not be disclosed during the proceedings;

3. the actions undertaken by the regulatory body (i.e. the President of the Office of Rail Transport) in the proceedings:

- actions undertaken during each stage of the proceedings (depending on the content/scope of submitted documentation);
- principles of communication between the President of UTK, the applicant and the authorized entity;
- mode and principles of cooperation between the EU regulatory bodies;
- administrative decision which can be made by the President of UTK depending on whether the requests for economic equilibrium test were submitted or as a result of analysis of the requests and the data submitted by the authorized entities;
- obligations of the President of UTK on publication and information.

We kindly invite you to read the draft of the guidelines and submit comments and questions till November 27, 2020. Your comments can be sent in an electronic form to inbox address: [/UTK/skrytka](mailto:UTK/skrytka) or to email address: utk@utk.gov.pl.

The draft guidelines "Applicant's notification and methodology of economic equilibrium test in open access procedure" and the form for submitting comments are in Polish and can be found on our website: <https://utk.gov.pl/konsultacje>

[1] 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).