

# Office of Rail Transport

<https://utk.gov.pl/en/new/17544,New-guidelines-on-open-access.html>  
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## New guidelines on open access

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Recent legal changes regarding granting the right to access rail infrastructure to rail passenger services operators had impact on administrative proceedings. In order to facilitate the transition the Office of Rail Transport prepared guidelines on notification of a planned new rail passenger service and on economic equilibrium test.

The methodology used by the regulatory body (i.e. the Office of Rail Transport) to perform the economic equilibrium test should be clear, transparent and non-discriminatory. The regulatory body is obliged to publish it on its website. In November 2020 the Office of Rail Transport submitted to consultation draft guidelines "Applicant's notification and methodology of economic equilibrium test in open access procedure". In this document we explained how new rules on granting open access to rail infrastructure are going to be applied and how administrative proceedings on open access are to be conducted. The consultations were open. We received nearly 40 comments from public transport authorities, rail operators and NGOs. We included most of submitted comments in the current version of the guidelines, but as this document evolves, we will update it.

In the guidelines we describe rules for conducting open access proceedings. Under new legislation an applicant is required to notify the infrastructure manager and the Office of Rail Transport of its intention to operate a new rail passenger service in advance – at least 18 months before the entry into force of the annual train timetable under which the proposed open access service is to be provided. The compliance with this deadline is a guarantee that the services will start within the time limit specified by the applicant if the regulatory body issues a decision granting open access.

Moreover, the guidelines present formal and substantive requirements of a request for economic equilibrium test as well as actions undertaken by the Office of Rail Transport during each stage of open access proceedings.

Information on the methodology of economic equilibrium test is available on our website of the in the [Economic equilibrium test methodology](#) section. The [current version of the guidelines](#) is

available in the [Studies](#) section.

The necessary forms, including an updated open access application, can be downloaded here:  
<https://www.utk.gov.pl/pl/dokumenty-i-formularze/wnioski-o-dostep/>

## LEGAL BASIS:

Art. 15 and Art. 16 of 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.