

## Rail carriers' insurances in Central Europe

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From EUR 500,000 (per incident) or EUR 2,000,000 (for all incidents) to EUR 20,000,000 (per incident) or at least EUR 40,000,000 (for all incidents) – this is the range of the minimum guarantee sums of annual insurance for rail carriers in Poland's neighbouring countries. In Poland for the majority of carriers, the minimum insurance amount is EUR 2,500,000. In order to carry transport operations on the territory of another country, the carrier must meet the insurance requirements applicable in this country.

Polish rail companies which plan to carry transport operations within the territory of the EU Member States are obliged to have insurances in accordance with the rules laid down in those countries. Directive 2012/34/EU grants freedom to the Member States to specify the conditions for the insurance for rail carriers. The requirements to be met for third-party liability insurance in other EU countries can differ significantly from those in force in Poland under the railway undertaking insurance regulation.

In Poland the minimum guarantee sum of insurance required from railway undertakings, for a period of insurance not exceeding 12 months, for incidents which are covered by the insurance agreement, shall be the equivalent in PLN of:

- EUR 100,000 for a railway undertaking holding a licence to provide rail transport services, carrying out transport services exclusively on narrow-gauge railway lines;
- EUR 250 000 for a railway undertaking carrying out transport services exclusively on railway infrastructure which they manage;
- EUR 2 500 000 for other carriers.

These amounts are determined using the average euro exchange rate announced by the National Bank of Poland for the first time in the year in which the insurance contract is concluded.

Insurance requirements in Poland's neighbouring countries are as follows:

- in Lithuania the minimum guarantee sum is EUR 500,000 for one incident and EUR 2,000,000 for all incidents per year. From 1 January 2027 the minimum guarantee amount will increase to EUR 1,000,000 for one incident and EUR 5,000,000 for all incidents per year;
- in the Czech Republic under the current train timetable the minimum guarantee amount is CZK 50,000,000 (approximately EUR 2,100,000);
- in Slovakia the insurance should "adequately cover the railway undertaking's liabilities" (a planned amendment to the rail transport act in 2023 sets the minimum guarantee amount at EUR 3,000,000);
- in Germany the guarantee sum is EUR 20,000,000 per insured incident. The guarantee amount should be available for payment twice during the insurance period.

In accordance with Article 3(4) of Regulation 2015/171, the licensing authority in the respective Member State or the infrastructure manager may check whether the liability insurance contract concluded by the railway undertaking and endorsed by other licensing authorities is sufficient in that Member State. If the licensing authority finds that the level of cover is insufficient, it may require the railway undertaking to take out additional insurance.

## LEGAL BASIS

Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (OJ L 343, 14.12.2012, p. 32-77),

Commission Implementing Regulation (EU) 2015/171 of 4 February 2015 on certain aspects of the procedure of licensing railway undertakings (OJ L 29, 5.2.2015, p. 3-10),

Regulation of the Minister of Development and Finance on insurance of a railway undertaking of 25 May 2017 (Journal of Laws of 2017, item 1033).