



Directorate-General for Mobility and Transport
Directorate C – Land
Unit C.3 - Single European Rail Area
European Commission
Rue de Mot/De Motstraat 28
1040 Bruxelles/Brussel

Information

Dear Mr Santamato,

We provide you with information regarding the possible state aid – pre notification of purchase ground area from incumbent RU Ceske drahy joint stock company to IM – Sprava zeleznic state organization.

Originally, the formal state owned railways Ceske drahy state organization (Czech Railways) was split in 2003 and a new infrastructure manager Sprava zeleznic was launched. The asset stayed mostly owned by Ceske drahy and in several steps was purchased to Sprava zeleznic. The last step is ground area in railway stations. It is prepared to be purchased and this future contract was notified to DG COMP. This transaction is organized without RB.

The second part of this transaction are invoices issued by Czech Railways for “using” this area by IM in period from 2017 to 2021. The requested amount of money is approximately 530 mil CZK a year (for imagination the IM revenues from infrastructure charges are 3 100 mil CZK a year from all RUs). The IM Sprava zeleznic refused to pay for them.

This ground area is either part of infrastructure (annex I of the Directive 2012/34), or part of service facility (marshalling yards, storage sidings, excluding area under station buildings). Some area is “other” (not covered by the Directive). Detailed specification is not available for us.

From RBs point of view, the charges for using ground area as a part of infrastructure has to be calculated according to Regulation (EU) 2015/909 as the costs for providing the services of the minimum access package and direct costs. The costs for using ground as a part of service facility has to be calculated in similar way with regard to A 31(7) of the directive 2012/34. The Czech Railways claims that the invoices cover charge for rent of this area and these charges are not covered by the Directive. The charges for use of this ground can influence the final value of the asset, for which it could be purchased.

Moreover, the Ceske drahy did not take any of measures requested in articles 7 – 7d of the Directive 2012/34 to separate functions of IM and RU. We are fining them for this (penalty) in maximum limit, which is only 1 mil CZK. This case is still pending.

This amount requested of money can significantly influence the railway market. Are we correct, that charges for use the ground area are also covered by the Regulation (EU) 2015/909 and the Directive 2012/34?

Pavel Kodym
Chairman
Úřad pro přístup k dopravní infrastruktuře