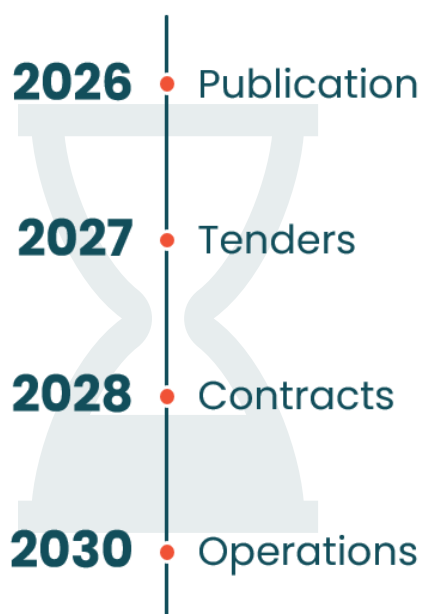


October 15th, 2026

The Design of the Polish Rail Passenger Tender Framework after 2030

Introduction

Poland is approaching a decisive and increasingly time-critical stage in the opening of its long-distance passenger rail market. The Polish Centre for EU Transport Projects (CUPT), acting on behalf of the Ministry of Infrastructure, is preparing competitive tenders for Public Service Contracts covering inter-voivodeship and international passenger rail services after 2030. However, the timetable is advancing rapidly while fundamental tender conditions remain unclear and some conditions currently envisaged risk limiting effective participation by new entrants.



The timeline is already in motion: a prior information notice is expected to be published shortly in the Official Journal of the European Union, tenders are planned for 2027, contracts for 2028 and operations from December 2030. This would leave prospective new entrants little more than two years after contract award to procure and finance rolling stock, secure maintenance facilities, recruit and train staff and establish complex operations in Poland.

This is not feasible.

Czech or German examples are based on five-year mobilisation periods where rolling stock must be provided, 10–15-year contracts and long-term visibility of upcoming tenders as important conditions for successful competition.

The decisions taken now will shape Poland's long-distance passenger rail market for many years. ALLRAIL, the Alliance of Passenger Rail Companies, therefore calls on the Ministry of Infrastructure and CUPT to ensure that both the scope of the future PSOs and

the conditions under which they are tendered enable genuine competition and deliver the benefits of Poland's major investment in rail to passengers.

ALLRAIL calls on the Ministry of Infrastructure and CUPT to build the post-2030 framework around the following principles:

1. Start PSO design from the genuine need for a subsidised network

Before designing the PSO, Poland must first determine what actually requires public support. The Commission's Guidelines on Regulation (EC) No 1370/2007 state that, before specifying Public Service Obligations, competent authorities should assess whether there is a genuine public-service need. This includes whether passenger demand can be met, even partly, by market operators without a PSO and, where Open Access rights exist, consultation of operators about their interest in providing the relevant services commercially. Existing, expected or announced commercial services should also be taken into account.



Poland should therefore not assume the size and structure of the future subsidised network and then ask the market how to operate it. **It should first establish what the competitive commercial market can provide and then determine what additional services genuinely require public support**, taking proper account of market analysis, potential Open Access services, proportionality and existing or planned commercial services.

2. Ensure that consultation leads to genuinely competitive procurement

Poland has known since 2021 that the current contract expires in December 2030. Yet the June 2026 preliminary market consultation initially gave operators **only one week** to apply, later extended to ten days, while participation required an existing railway undertaking licence and Single Safety Certificate.

Consultation should identify and remove barriers to participation, not reproduce them. Future stages must be accessible to credible prospective entrants from across the Single European Railway Area, including operators not yet established in Poland. **A formally competitive procedure is not genuinely competitive if its timetable or participation conditions mean that only operators already positioned in Poland can realistically participate.**

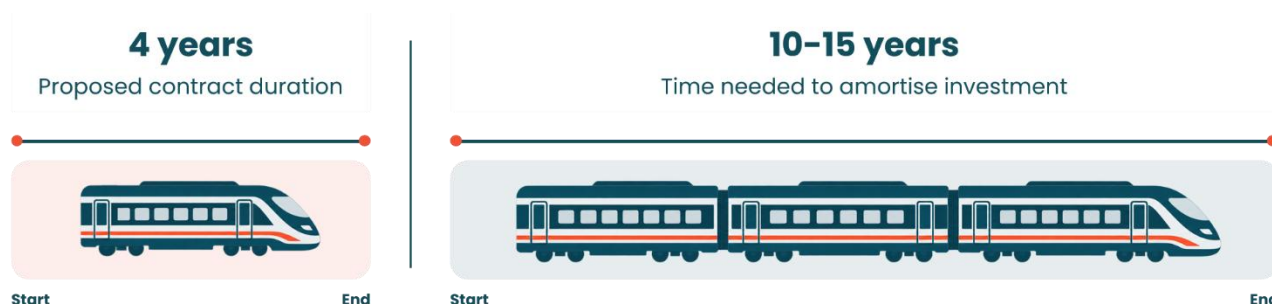
3. Plan mobilisation and rolling-stock lead times realistically: no rolling stock is available at short notice

Where bidders must provide their own fleet, the procurement timetable must reflect the European rolling-stock market. Suitable second-hand trains meeting the required capacity, technical and interoperability specifications cannot be assumed to be available for purchase or lease at short notice. For many bidders, participation will therefore require ordering new rolling stock.

ALLRAIL considers **at least four years between contract award and the start of operations essential, with three years an absolute minimum in exceptional circumstances**. CUPT's own analysis of Germany goes further, identifying **five-year mobilisation periods** where rolling stock must be provided, together with tender schedules visible many years in advance, as success factors. A 2028 contract award for operations beginning in December 2030 is therefore not a realistic mobilisation period for a new entrant required to provide its own fleet.

4. Match contract duration to the investment required: why only four years?

Regulation (EC) No 1370/2007 allows passenger rail Public Service Contracts of up to 15 years and expressly permits longer durations in specified circumstances where operators provide significant assets whose amortisation justifies it.



However, the Ministry of Infrastructure disclosed in its September 2026 response to a parliamentary interpellation that ***“contracts with the winners of the tenders will apply from December 2030 to December 2034”*** – a term of only four years, for an order estimated at **roughly PLN 26 billion**.

Where new entrants must finance and procure rolling stock, a four-year contract provides an extremely short commercial horizon for assets with much longer economic lives and creates substantial residual-value risk. CUPT's own German analysis points in the opposite direction, identifying **10–15-year contracts as a success factor for rolling-stock financing, with 12 years the most common duration**. For contracts requiring substantial operator-funded fleet investment, a 15-year term should normally be envisaged, with 10 years an absolute minimum unless residual-value risk is adequately addressed through other mechanisms.

Poland should not ask operators to make fifteen-year investment decisions on four-year commercial horizons. If four-year contracts are retained, the contracting authority must provide a credible solution to the rolling-stock and residual-value risk.



Public
Investment



Fair
Competition



Better
Services

This matters far beyond the tenders themselves. Poland is undertaking one of Europe's largest railway investment programmes, with around **PLN 180 billion of railway infrastructure investment planned between 2024 and 2032**, while almost **PLN 10.6 billion of EU Recovery and Resilience Facility funding has been allocated specifically to railway lines**.

EU funding has also directly supported the incumbent's rolling stock: PKP Intercity received more than **PLN 2 billion from the KPO for 56 locomotives and the modernisation of 248 coaches**, including vehicles used on inter-voivodeship PSC services. **This public investment should translate into more capacity, more services and better quality for passengers – not tender conditions that make competitive entry commercially unviable.**

5. Use proportionate packages that facilitate competition, not recreate monopoly

CUPT's own analysis of Germany shows packages ranging from approximately **0.5 to 10 million train-kilometres**, and that no new entrant had won a package exceeding 10 million train-kilometres despite decades of competition. During the first 15 years, the largest packages won by competitors to DB Regio were around 5 million train-kilometres. Tender packages should therefore be proportionate to the ability of credible entrants to finance and mobilise the necessary fleet, workforce and facilities, rather than reproducing the incumbent's existing organisation or fleet structure.

Lots should also avoid unnecessarily combining diesel and electric operations where this creates avoidable additional requirements for maintenance, driver training, spare parts and fleet management.

6. Give every bidder the same information

Tender documentation should provide comprehensive, reliable and appropriately anonymised historical data from ticketing and sales systems, including passenger volumes, journeys, revenues and load factors by route, service and period. Where available, at least **five years of historical data** should be provided so that bidders can construct credible demand forecasts and financial models. New entrants should not be structurally disadvantaged because relevant historical data sits in the incumbent's own systems.

7. Guarantee fair and non-discriminatory access to rolling stock, depots and maintenance

Article 5a of Regulation (EC) No 1370/2007 requires competent authorities, when preparing a competitive tender, to assess whether measures are necessary to ensure effective and non-discriminatory access to suitable rolling stock, taking account of leasing companies and other market providers, and to make that assessment publicly available.

Rolling stock purchased or financed by public authorities, including rolling stock supported by EU funds, must be addressed transparently in the future competitive framework and made available on non-discriminatory terms where applicable. The same principle applies to depots, maintenance facilities and other essential rail service facilities: a tender is not genuinely contestable if a new operator can win on paper but cannot secure the assets and facilities required to operate.

8. Publish a clear and staggered tender calendar

Tendering the entire network simultaneously would create an entry barrier of its own. No new entrant can realistically finance and mobilise the fleet required for the whole inter-voivodship and international network at once, while the incumbent already possesses a substantial fleet and operational base.

With the prior information notice imminent, tenders planned for 2027 and contracts for 2028, the sequencing decision is being taken now. **ALLRAIL therefore calls for a published multi-year tender calendar that staggers lots, allowing credible operators to enter and scale over time in line with realistic rolling-stock delivery cycles.** A gradual introduction of competitively tendered long-distance PSOs has already been successfully used in the Czech Republic.

The clock is already running. **The correct sequence is clear: first test what Open Access can deliver; then establish the genuine residual public-service need; and then tender that requirement through proportionate, transparent and genuinely competitive contracts.**

The time to remove barriers to competition is before the framework is fixed — not after the market has effectively been closed.

Legal basis

1. Regulation (EC) No 1370/2007 on public passenger transport services by rail and by road, Articles 5a and 7(2), and the possibility of contract durations exceeding 15 years where operator-provided assets justify it.
2. European Commission Interpretative Guidelines on Regulation (EC) No 1370/2007 (2023), on the assessment of genuine need, market analysis, consultation of Open

Access operators, proportionality, and consideration of existing and planned commercial services

3. Case T-454/13, Société nationale maritime Corse Méditerranée (SNCM) v European Commission (General Court judgment of 1 March 2017, ECLI:EU:T:2017:134)

CONTACT

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