

**Question for written answer P-012504/2015  
to the Commission**  
Rule 130  
**Dawid Bohdan Jackiewicz (ECR)**

Subject: Operation of trans-European transport network at risk owing to sale of PKP Energetyka in Poland

On 23 July 2015 Poland's rail operator PKP signed a preliminary agreement to sell PKP Energetyka – a company providing infrastructure management services on an exclusive basis – to CVC, a private equity fund. Assets will also be part of the deal. Under Directive 2012/34/EU, those assets form an intrinsic part of the rail infrastructure, i.e. they constitute 'plant for transforming and carrying electric power for train haulage'.

In Poland, 59% of rails are electrified, with over 90% of rail traffic running on those electric rails. Ownership changes have a direct impact on efforts to ensure the functionality and integrity of Poland's rail infrastructure and the efficient and continuous transport of passengers and goods as part of the trans-European transport network. Bearing the foregoing in mind, the assets owned by PKP Energetyka constitute critical infrastructure within the meaning of Council Directive 2008/114/EC.

In connection with the above:

1. Can ownership changes and restricting a Member State's influence over an integral part of the rail infrastructure have negative effects on the operation of critical infrastructure in Europe?
2. Can the sale of an entity with a monopoly position as regards infrastructure management in the area of transforming and carrying electricity in a Member State restrict the development of the trans-European transport network?
3. In the event of ownership changes, should a Member State not be able to keep the assets and the business separate – since the assets form an intrinsic part of the critical infrastructure – in order to protect the integrity and functionality of the infrastructure?