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***Model regulacji gospodarczej
ryнку kolejowych przewozów pasażerskich***

(The economic regulation model of the market of passenger railway transport)

SUMMARY

This PhD thesis was prepared
at Department of European Economic Law
under supervision
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Lodz 2020

The research objective is to analyse the scope and differences of economic regulation and its significance for shaping economic relations in the passenger rail transport sector in the EU and Polish law. The research aims to present a model of economic regulation of the EU and Polish law's passenger rail transport sector. The analysis of Polish law in the field of rail passenger transport will be related to the law of the European Union through the prism of theoretical legal structures such as economic regulation and the model of economic regulation, and the formulation of conclusions on the degree of application of economic regulation in the sector. This will enable a comprehensive analysis of the emergence, scope, and evolution of legal mechanisms and the effects of the passenger rail transport sector's economic regulation. Undoubtedly, the broad scope of scientific research undertaken in this doctoral dissertation requires analysing many issues that may constitute the basis for independent research. However, without the analytical reference to all the legal problems raised in the dissertation, the assumed research goal cannot be achieved.

In the doctoral dissertation, it was undertaken to verify the research hypothesis, assuming that economic regulation is a function of the state concerning the economy, allowing shaping the rail passenger transport sector by public economic goals, which are not feasible in a free market. A fundamental question arises whether the Polish model of economic regulation of the passenger rail transport sector enables the implementation of a single railway area of the European Union, or whether significant differences characterize it and to what extent.

Public economic law uses many research methods. The research goal determines the choice of one of many or several of the many research methods.

Due to this dissertation's purpose, the primary research method used in it is the formal-dogmatic method. The subject of the analysis is the provisions of national and European Union law. Various European Union law sources were analysed - both primary and secondary laws, including soft law, acts. This method was also used to verify and assess the views of Polish and foreign doctrine representatives, mostly American and British, relating to the issues discussed in the doctoral dissertation.

By verifying and assessing the theories of economic regulation, the comparative-legal method was also applied.

The historical method was used in the research on the development of economic regulation and legislation in passenger rail transport, which allowed to show the development of economic regulation and the sector of rail passenger transport itself.

An empirical method indicating the practice of applying the law was also used. In the doctoral dissertation, it was undertaken to verify the application of the law in the decision-

making practice of the President of the Office of Rail Transport and the jurisprudence of ordinary and administrative courts. This research method made it possible to confront the content of the binding law with the practice of its application in economic life.

In the conducted research, the subject of research was not only Polish and foreign legal literature, but it was also necessary to refer to publications in the field of economic, social, and technical sciences. It was related mainly to the attempt to determine the scope of the passenger rail market conditions in Poland. Thanks to this, it was possible to obtain a broader research perspective and a comprehensive analysis of these issues and formulate postulates.

The subject of the doctoral dissertation belongs to the issues of public law. The presented work has been placed within the framework of public economic law and European economic law (legal and administrative considerations). For this reason, the terminology and the concepts behind it regarding the model of economic regulation of the passenger rail transport market are based on the literature in this field. However, this does not mean that these achievements represent consistent and indisputable concepts adopted in the trial of uncritically and comprehensively. In addition to the multiplicity of concepts, it is not easy to relate the English terminology to the terms found in the Polish legal and legal language.

The doctoral dissertation has been divided into four chapters.

The first chapter analyzes the views of foreign and Polish doctrine on the theory of economic regulation, including an attempt to define the content of the concept of "economic regulation" in theoretical and legal terms. Economic regulation is the starting point for extensive analyzes in subsequent chapters based on EU and national law and doctrine views. In the initial considerations on economic regulation, various concepts relating to the same phenomenon were identified, i.e., economic regulation, sector regulation, pro-competitive regulation, and the relationship of these concepts to each other. The first chapter also contains a paper on economic and legal views on the content of economic regulation and an autonomous approach to economic regulation based on the views presented (author's definition of the concept of economic regulation). The first chapter also indicates the limits of economic regulation, presents the historical and legal development of economic regulation and its relationship to related categories, such as economic management, economic regulation, and the economic police. The chapter ends with a summary of considerations and formulation of conclusions in the field of economic regulation.

The second chapter attempts to define the model of economic regulation in public economic law. The chapter opens with the legal doctrine's views on the legitimacy of using the model and modeling in law. Then, the views of the doctrine of economics, law, and other

selected sciences were presented on the notions of *model* and *modeling*, which allowed for the construction of an autonomous approach to the model in public economic law and an indication of the justification for distinguishing the model in legal terms. In the other part of the second chapter, attempts were made to isolate elements of the theoretical model of economic regulation. The chapter ends with a summary of the considerations and the formulation of conclusions regarding the economic regulation model.

The third chapter of the doctoral dissertation concerns the EU economic regulation of the passenger rail transport sector. In this part of the dissertation, attempts were made to build an EU model of economic regulation based on EU law provisions, which is a specific model for the individual Member States of the European Union. It is assumed that there are various ways of implementing EU law in the Member States, but this does not mean that EU law provides alternative methods of implementing a single railway area (one model of economic regulation). To achieve the set goal, the third part of the dissertation analyses the evolutionary legal changes allowed to distinguish five public economic goals in this sector: passenger welfare, competition, system safety, environmental protection, and interoperability. The economic activity of the passenger rail sector. Next, the authorities and entities regulating the passenger rail transport sector and the entities subject to economic regulation, which constitute the EU regulatory model's systemic elements, were characterized. The position and significance of individual elements of the system were verified from the separate public economic goals. Then, the results of the application of material-legal elements of the EU economic regulation model were analysed and indicated, which include vertical and horizontal chapters, access to railway infrastructure, service infrastructure, rolling stock and information, mechanisms for organizing the provision of public services. The gradation of individual material-legal elements in the economic regulation model also took place through reference to public economic goals. Moreover, an attempt was made to distinguish the process elements of the EU model of the passenger rail transport sector's economic regulation. Identifying procedural elements and determining their meaning in EU law aims to obtain a complete picture of the passenger rail transport sector in EU law, which will allow for the identification or lack of a full model of economic regulation of the European Union rail passenger transport sector. The chapter ends with a summary of considerations and formulation of conclusions on the EU model of economic regulation of the passenger rail transport sector.

In the fourth chapter, detailed identification of the elements that make up the national economic regulation model of the passenger rail transport sector is made. It analyses the evolution of national legislation in rail passenger transport, specifies the structure of the sector's

national economic regulation model, and indicates strategic investments affecting this structure. This chapter presents a detailed analysis of the shaping of the national model of economic regulation of the passenger rail transport sector by the regulatory body, the antimonopoly body, and bodies performing certain regulatory functions, as well as the importance of environmental institutions and support of these bodies in the shaping process. Then, the position and importance of individual entities subject to economic regulation arose due to several processes taking place in Poland's passenger rail transport sector, where indicated. In the fourth chapter, attempts were also made to identify how to shape the material and legal elements of the economic regulation model of the passenger rail transport sector in the Polish legal system. These elements focus mainly on a vertically integrated enterprise, as defined in art. 4 points 57 of the Act on rail transport and the provision of public utility services. In the construction of the national model of economic regulation of the passenger rail transport sector, procedural elements of this model were identified, indicating the position, role, and manner of shaping the judiciary in matters related to the economic regulation of the passenger rail transport sector and the procedural peculiarities of proceedings before economic, regulatory authorities. In the final phase of the considerations, the differences between the national economic regulation model were analysed based on national law and the practice of its application. The chapter ends with a summary of the considerations and formulation of conclusions on the national model of economic regulation of the passenger rail transport sector.

The dissertation reflects the legislation in force as at 1 October 2020.



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13.10.2020.