

CSAiR Activity Report 2009

1. General information

In the third year of its activities CSAiR tended to achieve goals prescribed in documents establishing the Centre. Particular types of activities were implemented in formulas and by methods worked out in previous years.

The most distinguished achievement of CSAiR in 2009 was a publication of the first volume of English-language “Yearbook of Antitrust and Regulatory Studies” (YARS). Apart from the journal the next (forth) publication of the CSAiR’s publishing series “Studies and Monographs on Antitrust and Regulation”. Moreover, in 2009 the big editing project undertaken by many members of CSAiR was finished – that was a publication by the C.H. Beck “Commentary on Competition and Consumer Protection Act”, edited by prof. T. Skoczny.

CSAiR initiated signing the co-operation agreement between the Faculty of Management of the University of Warsaw and State Enterprise “Polish Airports”. The agreement became the basis for implementing – by specialists from both institutions – the research project “Airport services in the European Union and in Poland – competition law and regulations”.

In 2009 one PhD seminar was held. CSAiR conducted one training in applying competition rules.

The catalogue of the CSAiR’s library was created in 2009. The library collection amounts for around 200 Polish and foreign publications on competition and regulation. The collection is constantly growing.

2. PhD seminars

PhD seminars are organized as discussions on the thesis presented by a speaker (not necessarily a CSAiR member), open to a wider public. A speaker may be either a CSAiR member or an outer person. During seminars either merit research problem or methodological issues connected to a preparation of PhD dissertation are debated on. In 2009 one PhD seminar, dedicated to the dissertation of Maciej Bernatt, was held on 14 May 2009. The role

of a co-speaker and a moderator of the seminar was played by prof. Andrzej Wróbel – a judge of the Polish Supreme Court. The topic of the seminar focused on a pattern of procedural fairness being a theoretical and constitutional standard that should be used by a law-maker in creating procedures applied in proceedings before every public body (among others – public competition and regulatory bodies). The pattern of procedural fairness is defined by a catalogue of values (with such values as a right to be heard, due process, equal access to process, protection of ownership rights, judicial control of administrative decisions, impartiality and independence of a body giving a ruling. The seminar gathered judges of the Supreme Court, Supreme Administrative Court, Constitutional Tribunal and researchers specialized in administrative procedures.

In 2009 other PhD candidates (participants of PhD seminar under the auspices of CSAiR) were consulted on by Prof. Tadeusz Skoczny.

3. Publications

3.1. *Yearbook of Antitrust and Regulatory Studies (YARS)*

The first volume of YARS was published in January 2009. The journal consists of the following parts: articles (among them: a guest article prepared by a distinguished representative of antitrust or regulatory doctrine), reviews of Polish antitrust and regulatory law, reviews of EU case law concerning Poland-related cases, comments on judgments in antitrust and regulatory cases, book reviews, reports from events dedicated to competition or regulation, bibliography (a list of Polish writings on competition and regulation).

The yearbook was distributed among many Polish and foreign research institutions specialising in research on competition protection and regulation (in economic and legal context). YARS first volume faced a lot of interest from readers – that has been reflected in a growing number of proposals for articles and in polemics sent to the YARS' editorial board [one of them was published in vol. 2(2)].

Year of 2009 was dedicated to a promotion of YARS and to further developments of concepts for following YARS volumes. The priority of the editorial board has been an increasing participation of economic articles in a total number of articles published in YARS.

3.2. „Corporate Social Responsibility. Constitutional and International Perspective” (ISBN: 978-83-61276-27-2)

A book written by Maciej Bernatt is the fourth publications of the CSAiR's series – Studies and Monographs on Antitrust and Regulation.

The book is the first comprehensive Polish study on the concept of corporate social responsibility considered from the perspective of legal science, in particular, from the constitutional and international point of view. The norms of corporate social responsibility are analysed in the light of the Constitution of the Republic of Poland as well as in light of international legal acts. The author also refers to Corporate Social Responsibility in the context of competition and consumer protection. The book is dedicated for academics, students, politicians, entrepreneurs, managers and representatives of NGOs and other leaders of civil society.

4. Research

In co-operation with the State Enterprise “Polish Airports” (PPL) CSAiR implemented a research project on competition law and regulation in airport services. The research team was constituted by researchers from the Faculty of Management of the University of Warsaw and specialists from PPL. Antitrust rules for providing services of airports have been identified, presented and analysed due to the latest European case-law, whereas regulatory rules – as they evolved between 1992/1993 and 2009 – were identified through legal acts either having been in force for a long time or recently proposed. The special attention was paid to acts and draft legal acts (and other documents, among them studies ordered by the European Commission) being elements of so-called airport package, adopted by the Commission in January 2007, covering first of all issues of airport management in Europe in the context of their growing meaning for air transport.

The research project covered following topics:

- (1) rules for defining markets of airport services;
- (2) antitrust context of airports functioning, among them (a) application of competition law towards entities managing airports in the light of European and Polish case law, (b) preventive merger control on airport services market, (c) state aid in the context of airports functioning;
- (3) regulatory context of airports functioning, among them (a) distribution of traffic between the airports, (b) airport charges, (c) groundhandling services, (d) environment protection/noise;
- (4) relations between airport ownership and airport management (research covered four biggest airports markets: Great Britain, Germany, Spain and Portugal (cumulatively) and France).

Detailed results of the research conducted in the above mentioned problems can be applied in activities of all the entities managing airport and/or providing airport services. The report of the research was published in 2010 in a book entitled “Airport Services in the European Union and Poland – competition law and airports regulations” (*“Usługi portów lotniczych w Unii Europejskiej i w Polsce a prawo konkurencji i regulacje lotniskowe”*), edited by Filip Czernicki and Tadeusz Skoczny, and being the fifth publication from CSAiR’s “Studies and Monographs on Antitrust and Regulatory” series.

5. Trainings

CSAiR conducted a one-day training for employees of a company from oil industry. The programme of the training covered competition rules in the context of parallel imports, distribution agreements and potential antitrust effects of information exchange.

Dr. Agata Jurkowska-Gomułka

CSAiR Scientific Secretary

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