

CARS Activity Report 2010

1. General information

In the fourth year of its activities, CARS focused on the pursuit of the goals specified in its founding documents. 2010 saw the creation of an individual website for CARS (www.cars.wz.uw.edu.pl) and for YARS (Yearbook of Antitrust and Regulatory Studies (www.yars.wz.uw.edu.pl)). Both websites contain extensive resources on the activities of CARS improving information access for institutions and persons interested in problems considered in the research and publications of CARS.

2010 was a very active period in terms of CARS's Open PhD Seminar series – four meetings were held within this year.

Three publications were issued in 2010: the second and the third volume of 'Yearbook of Antitrust and Regulatory Studies' [YARS 2009, vol. 2(2) & YARS, 2010 vol. 3(3)] and the fifth publication of the 'Antitrust and Regulatory Studies and Monographs' series. The latter was based on the results of a major research project entitled 'Airport services in the European Union and in Poland – antitrust and regulatory framework' completed in 2009. Moreover, a new edition of that research project was initiated in 2010 (the project will be completed in 2011).

In 2010, CARS organized one seminar entitled: 'Airport services in the European Union and Poland – competition law and airports regulations' and one conference under the heading: 'Corporate Social Responsibility – a company's real obligation?'

An expertise on state aid was also prepared by members of CARS in 2010.

2. Open PhD Seminar

2.1. Exchange of information between competitors

A meeting of the CARS Open PhD Seminar was held on 6 January 2010 focusing on the work of Antoni Bolecki, a PhD student of the University of Warsaw, Faculty of Management. The introductory speech concerned the categories and features of anti-

competitive information exchange between competitors. Other issues presented by the speaker included: exchange of information as a support scheme for cartels; anti-competitive object and/or effect of information exchange; categories of information causing restrictive effects; relation between market structure and anti-competitive effects of information exchange; information characteristics in the context of restrictive effects. The problem of information exchange in vertical relations and within networks was raised in following discussion.

2.2. Services of general economic interest and the concept of state aid

During a seminar held on 28 June 2010, Łukasz Grzejdziak, a PhD student from the University of Lodz Faculty of Law, presented the problem of the inter-section of the concept of services of general economic interest (SGEI) and the notion of state aid. The presentation was entitled ‘EU regulation of financial services of general economic interest and the objective concept of state aid; Coherence or dissonance?’ The speaker presented relevant case-law developments on the concept of SGEI in the context of the coherence of the criteria set out in the *Altmark* test with the concept of objective state aid. Prof. Anna Fornalczyk, the former President of the Polish Antimonopoly Office, was a special guest at this seminar.

2.3. Conditional merger approval in legislation and decision-making in Poland

The third meeting of the CARS Open PhD Seminar was held on 16 November 2010. Professor Tadeusz Skoczny presented therein the results of his individual research project focusing on the qualitative and quantitative analysis of conditional merger approvals. Key issues raised by the speaker and followed up during the resulting discussion included: *ratio legis* and general rules for granting conditional merger approvals; categories and character of conditions; formulating and imposing conditions and; sanctions for their breach. Among the seminar participants were representatives of academic institutions and many practitioners from large law firms.

2.4. Co-operation agreements in insurance sector

The seminar held on 14 December 2010 centered on the research conducted by Justyna Orlicka, a PhD student from the Faculty of Law of the Adam Mickiewicz University in Poznan. The seminar was dedicated to the problem of sustaining a block exemption for co-operation agreements in the insurance sector. The seminar was held in light of the issue by the European Commission in March 2010 of a new block exemption for the insurance sector (Regulation 267/2010) and the expiry on 31 March 2011 of the analogous regulation for the cooperation in the insurance sector.

3. Publications

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

The second volume [vol. 2(2)] and third volume of YARS [vol. 3(3)] were published in January and December 2010 respectively. They correspond with the editorial foundations of the periodical and include: academic articles on legal and economic aspects of antitrust and sector-specific regulation; reviews of Polish legislation in the antitrust and regulatory fields; a review of EU case-law concerning Poland in antitrust and regulatory matters as well as case comments on key Polish judgments in this area; book reviews; reports on Polish events dedicated to antitrust or regulation as well as; a list of relevant Polish publications from the preceding year.

In 2010, the full content of past issues of YARS became accessible through its own website as well as a number of external databases for scientific publications.

In the same year, YARS was enrolled in the official periodical list held by the Polish Ministry of Science and Higher Education with a grade of 6 points.

3.2. ‘Airport services in the European Union and Poland – competition law and airports regulations’ (ISBN: 978-83-61276-46-3)

‘Airport services in the European Union and Poland – competition law and airports regulations’, edited by Professor Tadeusz Skoczny and Filip Czernicki, became the fifth publication of CARS’s ‘Antitrust and Regulatory Studies and Monographs’ series. The publication is based on the final report prepared in collusion of a major research project conducted in 2009 by a team of researchers from the University of Warsaw Faculty of Management and specialists from the ‘Polish Airports’ State Enterprise. The book is divided into five parts concentrating on: scope and results of the research project (chapter 1); airport services markets (chapter 2); providing airport services in the context of competition law rules (chapters 3-5); regulatory aspects of airport services provision (chapter 6-10); relations between airport ownership and airport management (chapter 11-15).

The publication is addressed to those involved in airport management, enterprises providing airport services, air transport companies, representatives of public administration connected to the airport sector and for researchers and students interested in antitrust and regulation.

4. Research

Professor Tadeusz Skoczny and Łukasz Grzejdziak prepared in 2010 under the auspices of CARS an expertise entitled ‘Classification as state aid, within the meaning of Article 107(1) TFEU, of § 10(5) of the draft regulation of the Minister of Economy regulating in detail, among other things, the scope of the duty to obtain and to submit for a cessation of a

certificate of origin from cogeneration'. The expertise concerned the legitimacy of the notification submitted to the European Commission of the said draft regulation of the Polish Minister of Economy. The draft was to modify the scope of the national certification system of energy from cogeneration regarding justified production costs and submissions for the cessation of certificates of origin from cogeneration or, making a replacement payment in the calculation of energy prices established in the tariffs of energy companies fulfilling those obligations. The expertise was ordered by a law firm.

5. Seminars and conferences

5.1. Airport services in the European Union and Poland – competition law and airports regulations

A seminar held on 14 June 2010 was dedicated to the presentation of the main results of a research project completed in 2009 jointly by researchers of the University of Warsaw, Faculty of Management and the State Enterprise 'Polish Airports' (PPL). A number of presentations were given during the seminar by, among others: Prof. Anna Fornalczyk, Michał Marzec (Director of PPL), Sylwia Ciszewska (Head of Air Transport Department in the Polish Civil Aviation Office). The following discussion concerned selected aspects of the research project (airport services and competition law; airports in EU Member States).

5.2. Corporate Social Responsibility – a company's real obligation?

A conference held on 21 June 2010 was organized by CARS in co-operation with the Chair of the Theory of Organization University of Warsaw, Faculty of Management. Its goal was to verify the notion of the necessity for companies to concern themselves with the effects of the economic activities associated with the functioning of companies in a certain social and natural environment. A number of presentations were given during the conference dedicated to issues such as: legal aspects of corporate social responsibility (CSR); relations between employees and employers in the context of CSR; pathologies in relations of companies with their stakeholders and; the role of managers in shaping CSR. The conference gathered many academics and representatives of non-governmental organizations, among them employer organizations and trade unions.

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