

## **CARS Rail and Public Transport Laboratory**

On 17th October, 2016 was established the Rail and Public Transport Laboratory as a part of the Centre for Antitrust and Regulatory Studies (CARS) at the Faculty of Management of Warsaw University. It is the third unit of its kind, which will encompass main CARS activities within the framework of regulated and specific sectors. It is worth mentioning that it is the first this type research unit in Poland.

The Laboratory was established for several reasons. The issues of European pro-competitive regulation of railway and public transport sectors has become increasingly important for the functioning both polish and EU transport markets. The promotion of economic competition in railway transport sector has been main aim of European transport legislation since 1991. Step by step the European Commission created a legal framework for opening of railway transport market for competition in the form of three and now four so-called Railway Packages. One of the main goals of EU transport policy is to enhance the role of rail transport, as eco-friendly mean of transport, and ensure the provision of more numerous, safer, cheaper and higher quality public transport services. These targets are closely related. Described aims can only be achieved if railway undertakings and public service operators will provide efficient and attractive services. The main mechanism to achieve efficiency of the railway and public transport sectors is to introduce competitive mechanism in these sectors. Increased competition should enhance the attractiveness of rail (as well as public transport) and make the railway sector more responsive to customers' needs, allowing rail operators to compete with other modes of transport. In January 2013, the European Commission announced proposals for a Fourth Railway Package, a set of far reaching measures to encourage more innovation in European railway mainly by further opening railway market to competition. In 2016 the Fourth Railway Package has been finally adopted. It consisting of two pillars – technical pillar and political pillar. The Fourth Railway Package covers the issues of rail governance, market opening for domestic passenger rail transport, competitive tendering for Public Service Obligations contracts and a new role for the European Railway Agency. The new EU legislation have to be implemented into the polish law. Some acts of the Fourth Railway Package provide long transitional periods. It means that implementation of the package into the national law might be a quite long-term process. For the above reasons, the issues of EU pro-competitive regulation of rail and public transport has become very important for railway undertakings, infrastructure managers, public transport operators, competent authorities, sectoral regulators and their organisations.

The Head of the Laboratory is Dr. Stefan Akira Jarecki, at CARS he is also a coordinator of railway transport sector. Dr. Stefan Akira Jarecki is a well known expert in the field of transport and state aid law, author of several publications in these areas, lecturer at the Warsaw School of Information Technology under the auspices of the Polish Academy of Sciences, former Director of the Railway Transport Department at the Ministry of Infrastructure and Construction, participant in the Warsaw Seminar of Axiology of Administration, speaker at numerous workshops and conferences on transport-related topics and State Aid. He represented Polish authorities before the European Commission. His book, titled "Pro-competitive regulation in the area of passenger railway transport" was nominated to the CARS 2015 award. He also works for the Polish government administration, currently dealing with cases concerning European Structural and Investment Funds, as well as with cases on State Aid. Associate of the Laboratory is Mr. Łukasz Gołąb. He is an assistant in the Chair of Public Commercial Law at the Faculty of Law and Administration at Cardinal Stefan Wyszyński University in Warsaw and member of a Competition Law Association. He is an excellent expert in the field of transport, energy and antitrust law. The team of the Laboratory will be further developed.

The Laboratory activity concentrates on widely understood issues of competition and consumer protection and pro-competitive and pro-consumer sector-specific regulation in railway and public transport sectors. In this respect, the Laboratory is conducting interdisciplinary scientific research and preparing scientific reports and expert opinions (surveys), publishing books and periodicals, holding scientific conferences, organising training courses and cooperating with similar research units in Poland and in foreign countries.

Within the framework of consultancy the Laboratory offers preparation of experts reports for public institutions and companies. There is always open access to these expert reports from CARS website ([www.cars.wz.uw.edu.pl](http://www.cars.wz.uw.edu.pl)). For example, in 2016 the Laboratory have prepared Expert Opinion of CARS titled "Assessment of public financing, including EU resources, of the investment in the railway station buildings in the context of the notion of state aid in the meaning of the article 107(1) of the Treaty on the functioning of the European Union". The expertise was commissioned by the PKP S.A. (Polish State Railways). The aim of the opinion was to assess whether public financing of the investment in the rehabilitation (modernisation) of railway station buildings constitute state aid in the meaning of the article 107(1) of the Treaty on the functioning of the European Union. The purpose of the expertise was also to answer to the question whether support for such investments should be notified to the European Commission according to article 108(3) of the Treaty on the functioning of the European Union and rules laid down in the regulation 2015/1589.

The Laboratory will publish periodicals (special volumes of Yearbook of Antitrust (in English) and volumes of Internet Quarterly of Antitrust and Regulation – internetowy Kwartalnik Antymonopolowy i Regulacyjny – IKAR (in Polish) as well as books dedicated to various aspects of law and economics of pro-competitive sector specific regulation of railway and public transport sectors. Another volume

of Internet Quarterly of Antitrust and Regulation dedicated to railway and public transport sectors will be published in September 2017.

In order to popularize the knowledge on economic and legal aspects of pro-competitive sector specific regulation of railway and public transport sectors and in order to inspire a discussion on these problems, the Laboratory organizes traditional conferences and seminars. Workshops may be organized jointly by the Laboratory and a partner institution (a law or consulting firms). The national conference concerning new regulations in the field of railway transport (“Railway transport challenges ahead”) will be held in November 2017. The CARS Railway Transport Conference will be organized every year. International conferences are also planned.

Moreover, the Laboratory offers trainings for people from public institutions and companies, covering law and economics of pro-competitive sector specific regulation of railway and public transport sectors. The Laboratory strategy for the following years foresees also the application for public – national and European – grants. The Laboratory is also ready to carry out research projects commissioned or sponsored by public institutions and economic entities. In 2016 CARS have signed the Cooperation Agreement with the Railway Institute in Warsaw. It was the first CARS cooperation agreement with industrial scientific institution. All the activities of the Laboratory may be conducted in cooperation with the Institute.

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