

Railways arbitration and the main problems of railways regulation (From the Volume Editors)

Arbitration in railway transport (Zbigniew Szafrąński, Marek Pawlik, Filip Dopierała)

Articles

Michał Będkowski-Kozioł, **Status and tasks of the European Railway Agency – current situation and future prospects in the light of the Draft Fourth Railway Package**

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Abstract: This article presents the structure, functions and powers of the European Railway Agency considering the functions and tasks of EU agencies as well as the legal basis of their operation, which determine the scope of their respective competences. Discussed are the premises for the establishment of the European Railway Agency, its structure and tasks as well as proposals for improvements in this area in the draft of the Fourth Railway Package.

Key words: rail transport; European Railway Agency; 4th Railway Package; security of rail transport; interoperability of rail transport.

Piotr Bogdanowicz, **What is of (EU) interest? And how? Some reflections with regard to Article 5 Regulation No 1370/2007**

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Abstract: The ECJ has recently been significantly expanding the scope of the applicability of EU public procurement legislation as well as the obligation to abide by generally applicable rules, primarily the principle of transparency. In this light, the following article poses the question whether the approach taken by the ECJ could lead to the conclusion that directly commissioning services of public interest in the field of public passenger transport by rail might be found to be in breach of EU law. The article discusses key provisions of Regulation 1370/2007, certain ECJ rulings, and the standpoint of the EC. Considered also are proposals for amending Regulation 1370/2007 in order, among other things, to introduce an obligation to conduct tender proceedings when awarding rail services contracts.

Key words: EU law, public services, rail sector; public contracts; the transparency principle.

Łukasz Gołąb, **The independence of railway infrastructure managers in the jurisprudence of the Court of Justice of the European Union**

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Abstract: It is noticeable that the European Commission has recently increased its activities with respect to the evaluation of the national implementation process of European Rail Transport Law. As a result, the Commission has submitted a number of claims to the Court of Justice of the European Union against those Member States which – in the opinion of the EC – have infringed their obligations to implement the relevant EU provisions. The following article discusses a number of cases examined by the Court of Justice in the context of the requirements on the independence of infrastructure managers arising from EU jurisprudence.

Key words: rail transport, rail transport sector, regulation of rail transport, management of railway infrastructure, independence of infrastructure managers, European Union law, Court of Justice of the European Union.

Wojciech Pawłuszko, **An appraisal of the level of legal independence of the President of the Polish Office of Rail Transportation based on Fabrizio Gilardi's model**

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- II. Dimensions of legal independence of regulatory agencies
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Abstract: The subject of this article is an appraisal of the level of legal independence of Poland's railway regulatory authority – the President of the Office of Rail Transportation – by using Fabrizio Gilardi's model. The assessment considers the social and legal background of the regulator's actions, as well as a variety of factors determining the authority's legal position. The assessment is made by quantifying the most important of these circumstances. The article considers also to what a degree the Polish legislator has fulfilled its role to ensure an appropriate status of the national railway regulator.

Key words: President of the Office of Rail Transportation, independence, Transport Secretary, rail transport.

Katarzyna Wróbel, **The property tax exemption for buildings and land belonging to railway infrastructure applicable if the infrastructure manager is obligated to share them with licensed rail carriers**

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- VI. Conclusion

Abstract: The wording of Article 7 of the Act of 12 January 1991 on Local Taxes and Charges creates many doubts. The paper presents the scope of the existing relationship between Polish Tax and Local Charges Law and its Transport Legislation. The article considers in particular the property tax exemption available to buildings and land belonging to railway infrastructure under the Rail Transport Law provided the infrastructure manager is obligated to share those building/land with licensed rail carriers.

Key words: Property tax, Rail Infrastructure Manager, side-track, Perpetual Usufruct's Charge.

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Anna Piszcz, **NCRAs rather than NRAs and NCAs? Short review of Spanish, Estonian and Dutch “super-regulators”**

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