

From the Editorial Board

Identification of regulatory actions undertaken by the Polish Railways Regulator – the UTK President (From the Volume Editors)

Regulatory steps taken by the UTK President in the years 2011 to 2014 (Krzysztof Dyl)

Articles

Stefan Akira Jarecki, **The new approach of the European Commission to public financing of the construction of transport infrastructure. Consequence of the *Leipzig Halle* judgement**

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Abstract: Transport infrastructure requires significant funding from public sources. The question therefore arises as to whether public financing of transport infrastructure constitutes state aid. The approach of the European Commission to the application of EU state aid rules to transport infrastructure investment projects has significantly changed in recent years. According to the Commission, its new approach is the consequence of the *Leipzig Halle* judgments. As underlined by the Commission, since the *Leipzig Halle* judgement, Member States can no longer deny that the financing of any kind of infrastructure is governed by EU state aid rule provided that infrastructure is later subject to commercial exploitation. *A contrario*, only the financing of infrastructure that is later not commercially exploited (such as public roads, motorways not operated by a concessionaire open to general public) is in principle excluded from the applicability of EU state aid rules. The article describes the most important issues related to the current approach to the application of EU state aid rules to the public financing of transport infrastructure.

Key words: state aid; infrastructure; transport infrastructure; *Leipzig-Halle*

Tomasz Chudziński, **The process of placing into service of rolling stocks on the Polish territory – review of current procedures**

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Abstract: The article describes the procedure for placing into service of rolling stock (railway vehicles) on the Polish territory. It presents key matters relevant to current procedures for the placing

into service of rolling stock and identifies significant differences between the various proceedings before the UTK President. These differences result in, accordingly, the issue of a permit for the use of a certain type of railway vehicle (rolling stock) or the authorization for placing into service of a TSI-compliant or non-TSI compliant railway vehicle. The article covers also the difference between the various modes of placing into service and provides a review of the documentation submitted to the UTK President. Simultaneously, reference is made to acts of EU law, in particular those of technical nature (technical specifications for interoperability), which have a significant impact on the analyzed issues.

Key words: UTK President; rolling stock; railway vehicle; interoperability of the railway system; placing into service; authorization of placing into service; permit for the use of a certain type of railway vehicle (rolling stock); compliance with the TSI; non-compliance with technical specifications for interoperability; declaration of the subsystem verification certificate of a non-TSI compliant rolling stock; declaration of verification of a TSI-compliant rolling stock; modernization, renovation.

Filip Dopierała, **The obligation to maintain firebreaks along railway lines**

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Abstract: The purpose of this paper is to show the entities responsible for the maintenance of firebreaks along railway lines in the current legal system. The text presents first the legal rules applicable before 30 June 2010 and those applicable ever since. The paper continues on to present how the currently applicable legal rules are interpreted by Polish administrative courts of two instances and what is the author's view of the entities responsible for the maintenance of firebreaks along railway lines.

Key words: fire protection; firebreaks; responsibility for maintaining firebreaks; the infrastructure manager; forest administrators and owners.

Jana Pieriegud, **The role and functions of rail transport regulators**

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Abstract: The aim of this article is to analyse the role, functions and tasks of railway market regulators, both at EU and national level. Presented first are the functions of the European Railway Agency (ERA). The next part includes an overview of the scope of the functions, organizational structure and level of independence of rail regulatory bodies in some EU Member States, especially Germany. The final part of the article contains an analysis of the position and activities of the President of the Polish Office of Rail Transport (UTK President) during the period 2004–2014.

Key words: network industry; regulation; rail transport; regulatory body; UTK; ERA; EBA; railway market; 4th Railway Package

Marcin Ryndziewicz, **Opinion on selected rules on regional sustainable public transport plans with regard to creating attractive offers in the area of public transport by rail**

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Abstract: The article deals with selected aspects of developing attractive offers in the area of public railway passenger transport on the basis of sustainable public transport plans. The paper focuses mainly on the limitations resulting from legal provisions defining the scope of such plans. Particular attention is paid to the analysis of the method of selecting transport lines, developments meant to integrate rail transport with other transport means, the tariff system and system adjustments for people with disabilities.

Key words: sustainable public transport plans; public transport offer; local law.

Magdalena Wilczek-Karczewska, **Legal-history approach to the development of railways on Polish lands**

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Abstract: This paper refers to the legal-history of railways on Polish lands. It includes post-partition period, the Second Republic of Poland and the Polish People's Republic. The construction of railways was at first an initiative of the private sector. However, the latter were supervised by the State and the construction and exploitation of railways was licensed. The nationalization process of railways began in the second half of the XIX Century because of their importance for the national economy and defense. Incidentally, nationalization included unprofitable and local railways. The paper speaks also of the company history of "Polish State Railways" and the militarization of railways in Poland.

Keywords: legal-history of railways; railway transport; post-partition period; the Second Republic of Poland; Polish People's Republic; The Company "Polish State Railways"; militarization of railways.

Legislation and case law reviews

Andrzej Gola, **Verifying implementation of the EC Railway Directives into the legal orders of EU Member States on the example of the judgement of the Court of Justice of 28 February 2013, *European Commission v. Germany***

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