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Title of the dissertation:

***„Protection of the public interest in the rail passenger transport sector”***

### ***Summary***

The subject of the dissertation is the verification of the existence of public interest and legal means of its protection by the President of the Office of Rail Transport in the passenger rail transport sector. The research in the dissertation covered the system of legal relations between railway companies and passengers using these services. The existence, methods and scope of public interest protection in selected areas of rail transport regulation, such as rail transport licensing, access to railway infrastructure and organization of passenger rail transport, were verified. The rights of passengers in rail transport are subjective rights, therefore the proper implementation of these rights is of particular importance for the protection of the public interest. On the other hand, regulation of the market in the forms indicated above consists in the authoritative influence of the public administration body on market participants by limiting their freedoms, within the scope specified by legal standards, in order to protect the public interest. The regulation of the rail passenger transport sector, in the scope covered by the study, is of particular importance for the proper functioning of the economy and society.

The aim of the dissertation is to determine and evaluate legal instruments for the protection of the public interest in the passenger rail transport sector. Such a definition of the research area results, first of all, from the specific features of the passenger rail transport sector. Regulatory tools used by the President of the Office of Rail Transport in order to adequately protect the public interest are of significant importance for shaping the purpose of the dissertation.

The adoption of the above-mentioned assumptions regarding the scope of the research field, research methods and its purpose allowed for the formulation of the thesis of the dissertation. It was adopted as part of the thesis that the basic purpose of providing legal regulation of relations in the passenger rail transport sector is to protect the qualified public interest. The public interest and its legal regulation of its protection is therefore a central institution in the passenger transport sector. Legal interest in the rail passenger transport sector is a universal juridical category that can be an independent subject of research.

The assumed thesis was verified based on the determination of the validity of the following research hypotheses:

- the protection of the public interest in the rail passenger transport sector is implemented by the regulatory body on the rail passenger transport market,
- the proper shaping of the regulatory body's political position in the passenger rail transport sector has an impact on the effectiveness of the protection of the public interest in the rail passenger transport sector of this body,
- the safety of rail transport and the protection of individual and collective passenger rights are the phenomenal figures/types of public interest in the passenger transport market,
- the form of regulation of economic activity in the field of passenger railway transport adopted in Poland enables effective protection of the public interest.

The structure of the dissertation includes five chapters. In the first chapter, terminological arrangements for the purposes of the research were made. The meaning of the concept of public interest, which was adopted for the purposes of research conducted in this dissertation, has been clarified. In addition, the legal characteristics of the sector in the field of services in the area of passenger rail transport were made. The concept of public interest in the first chapter has also been relativized to this sector. Characteristics of sectoral regulation in the field of protection of individual and collective interests of passengers in rail transport in relation to the universal system of consumer protection are also presented.

The second chapter deals with the issue of the legal position and the scope of competence of the President of the Office of Rail Transport as a regulatory authority in the passenger rail transport sector. Findings in this regard are necessary in the context of the research problem being the subject of the dissertation. The second chapter also presents the origins of the establishment of a regulatory body in the rail transport sector and the evolution of the legal status. The historical and legal approach to this issue allows for a full understanding of the essence of the public interest protection methods analyzed in the dissertation, which the President of the Office of Rail Transport is authorized to apply. In addition, the second chapter also covers the tasks of the regulatory body in four main areas of its activity, i.e. regulation of rail transport, safety of rail traffic, interoperability of rail transport and supervision over the passenger rights in rail transport.

The third chapter presents the means of legal protection of the public interest in the area of protection of passenger rights in rail transport. The competence of the sectoral regulatory body in the scope of issuing administrative decisions on the application of unlawful practices infringing the collective interests of passengers in rail transport was subject to detailed research. In addition arrangements were made regarding the content and scope of legal protection of passenger rights.

The fourth chapter contains considerations on public interest legal protection measures in relation to the tasks of the regulatory authority in the passenger rail transport sector. Such tasks include licensing railway carriers, issuing opinions on draft public service contracts, issuing opinions on draft transport plans and issuing administrative decisions on open access

to passenger rail transport. In each of these tasks it is possible to identify solutions aimed at protecting the public interest.

The subject of research in the fifth chapter are issues related to administrative sanctions applied by the regulatory body in the event of a violation of the public interest by enterprises operating in the passenger rail transport sector. This part of the paper characterizes administrative sanctions in relation to the railway market. Types and analysis of sanctions applied in the case of violation of collective and individual interests of passengers was made. Directives on the imposition of administrative fines, the possibility of waiving the imposition of sanctions and relief in the execution of fines were also verified.

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Wpłynęło

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Przełożona



