

Summary

The doctoral dissertation is devoted to the access to service facilities and rail-related services in the European Union (EU).

As part of the dissertation, three research hypotheses were verified. The first one assumes that the EU model of providing access to service facilities is the result of an evolution in which a significant stimulus to increase the intensity and scope of the interventions of the EU institutions was the unsatisfactory effects of the liberalization of the EU rail transport sector, initially focusing solely on the need to ensure non-discriminatory access to line infrastructure. The second one states that the indicated model is an attempt to balance the importance of non-discriminatory access to line infrastructure and point infrastructure. According to the third, the model of providing access to service facilities is systemic in the sense that it is a functionally related whole serving to optimize the capacity of existing point infrastructure, which in turn is to ensure non-discriminatory access to these resources, constituting an important element of the single European railway area. Research hypotheses specified in this way required a multi-faceted analysis, therefore five basic research goals were achieved.

The first research goal is to discuss the EU transport policy, including treaty provisions and EU secondary legislation, in order to present the evolution of the EU legislator's approach to the importance of non-discriminatory access to service facilities in the liberalization of the EU rail transport sector. The second relates to the analysis of the first initiative introducing the obligation to provide access to point infrastructure. The third is to identify the elements of the model of providing access to service facilities with the systematization of legal terms under the provisions of Directive 2012/34/EU and Regulation 2017/2177. The fourth and the fifth research goals are to discuss legal instruments (measures) determining, in accordance with the intention of the EU legislator, the implementation of the obligation to provide access to service facilities.

The hypotheses and research goals adopted in the dissertation significantly influenced its structure. The starting point for an in-depth analysis of the provision of access to service facilities is the discussion of the EU transport policy in the first chapter, including the provisions of the Treaties and EU secondary legislation, from the perspective of the TPA principle to the service facilities.

The second chapter focuses on the presentation of the first legislative initiative of the European Commission, which laid the foundations for the current model of providing access to service facilities in the EU rail transport sector. The solutions proposed in Directive 2001/14/EC

constituted a kind of prototype of the current model of providing of access to point infrastructure.

In turn, the third chapter presents the elements of the model of providing access to service facilities based on the provisions of Directive 2012/34/EU and Regulation 2017/2177. This part of the dissertation not only discusses the subjective and objective scope of this construction, but also systematizes the key legal terms relating to the subject matter.

Then, a detailed analysis of legal instruments (measures) determining the implementation of the obligation to provide access to service facilities was carried out in accordance with the division made according to the criterion of the function they perform in relation to Directive 2001/14/EC. Consequently, the fourth chapter of the dissertation concerns the instruments supplementing Directive 2001/14/EC, and the fifth covers the examination of the specifying instruments.

The work ends with the conclusion, which, on the one hand, summarizes the considerations made, and on the other hand, is an attempt to identify the main factors influencing the effectiveness of the model of providing access to service facilities in the EU rail transport sector.