

Streszczenie rozprawy doktorskiej Mgr Maksymiliana Tomicy
/j.angielski/pt: „Legal and administrative aspects of sustainable
development in landtransport. Selected issues”

The subject matter of this doctoral dispute, is a critical analysis and evaluation of sustainable development of land transport in the view of polish administrative law. The first observation from the study of polish and European Union's law, is that we can define a legal principle of the sustainable development of continental transport. The dissertation discusses a constitutional principle of the sustainable development, such as economy growth, environment protection, economic freedom, public services and interest. Especially, because of the fact that, this principle is expressis verbis included in polish constitution and also European Treaties.

Polish government and self- government are obliged to follow sustainable development rule in all economic sectors, including continental transport. Applying aforementioned principle is hindered, because of general provisions and unprecise regulations. However, validity of described rule should not be ignored. In this case, European Union's law determines a necessity, to use to a greater extent functional, rather than literal interpretation.

Dissertation concludes that pro- competitive provisions enhance implementation of sustainable development of land transport. On the other hand, totally free competition in the sector of road and rail transport may cause direct, as well as indirect negative consequences for long- term provision of public services, environmental protection and passenger security. In order to minimise effects of market failures state takes appropriate actions. As a consequence, road and rail transport in practice is divided between regulated and free competition. However, in polish law system just a rail transport, is explicit called as a regulated.

The other aim of this doctoral dispute, is to identify measures of enhancing sustainable transportation. Generally they may be distinguished between three types. Firstly, legal instruments as control and supervisory. Secondly, economic instruments as economic incentives i.a. taxes exemptions, smart prices, charges, linked with environmental principle “polluter pays” and “user pays”. Lastly, planning instruments as all kind of visions and strategies about continental transport. At the same time author attempts to answer questions, about the essence of presented group of instruments and its adequate utilisation.

Administrative apparatus has a substantial role in creating sustainable transportation by funding, planning and organising public services. Despite delegating services to third party providers, state is responsible for public transport. The crucial role in funding public transport

has public service compensation. This instrument ensures, not only a wider accessibility, but also a decisively better quality of public continental transport.

Improvement of quality and availability of public transport may encourage potential passengers to take advantage of sustainable measures of transportations. Every kind of public transport, but especially rail transport ensures an increased protection of public interest. However, despite the privatisation process, passengers have received extended guaranteed rights, which were implemented in polish law. Last but not least, the major contribution in accomplishment of sustainable development of land transport, has the society. The aims of this principle, should be reached through a combination of manifold initiatives at all levels.