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TRANSPORT REGULATION FROM THEORY TO PRACTICE: GENERAL OBSERVATIONS AND A CASE STUDY

Paris – December 3rd, 2010
1) The Italian case: institutional aspects

• Failed attempts to set up an independent regulatory authority for the transport sector

• The NARS: a weak, isolated consulting body for a political committee in charge of the decisions (CIPE)

• The NARS role in “moral suasion”, and its collaboration with the antitrust authority

• Now NARS it is fading away......other, non-independent actors within the transport ministry declare themselves “regulators” (ANAS, ENAC, a railway new agency), but a strong request of a real authority emerged
2) The Italian case: modal aspects

- The battle for toll highways: a fatal initial “mistake” on efficient dimensions, based on a conflict of interest, and an ambiguous price-cap definition (RAB, claw-back). The final result: the combined public-private interests of the regulated companies obtained “more than expected”, and are making egregious profits.

3) The Italian case: more modal aspects

• The regulation of airports: a “half dual till”. The evidence of the weakness of NARS: the 3 Ds (Deny, Delay, Detail). Some later formal improvement (half of the landside profits). Final “abdication” of ENAC: from 1 to 3€ for non-evaluated investments (gold plating).

• The regulation of ports: just non existing. Discretionary transfers of public money for investments.
4) The Italian case suggests a set of possible recommendations

- Build alliances with other regulatory agencies, also at an upper level (European Commission). Isolation makes capture more easy.

- Use extensive and transparent quantitative evaluation methods (cost-benefit analysis). Discretionary approaches makes capture more easy.

- Define from the beginning a strict efficiency-oriented scope for the regulatory agency: social and environmental issues are prone to political meddling.

- A special problem is the regulation of infrastructure investments: here further research is severely needed.
Thanks! Comments much welcome at the SIG 4 site of the WCTRS
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