

Consolidation versus Specialization: National Regulatory Authorities in the EU Member States and regulated sectors

Abstract

Introduction

National regulatory authorities (NRA) constitute a phenomenon directly related to and resulting from European Union law. NRAs are defined as bodies tasked with protection of competition and consumers on various markets, in particular network industries, such as energy, telecommunication, audiovisual media or railway.

The EU model of institutional setup of NRAs is general and flexible, providing the Member States with extensive room for manoeuvre in designing national regulators. The freedom of the Member States to define the institutional model of NRAs applies to determining the number of agencies and the areas of regulation covered by each of them. This means a relative discretion to create specialized bodies responsible for regulating one sector (single-purpose regulators), agencies covering more than one sector (multi-sectoral regulators), or 'super regulators' tasked with regulating various sectors.

Long-term consolidation versus specialization debate is currently most often decided in favour of consolidation in the legislative practice of European countries. However, public administration scholars have not yet examined whether the general consolidation trend of central government administration also applies to NRAs in the EU countries.

Research goals

The author aims to achieve three research goals. The first one is descriptive and involves mapping the NRAs currently existing in the EU Member States. The author will take into account regulators whose regulatory activity is based on EU law, i.e. responsible for competition protection, energy, telecommunication, audiovisual media, and railway regulatory. The author will examine which NRAs are consolidated and which specialize in regulating a given sector. Then, on that basis, he will create a typology of NRAs consisting of single-purpose, multi-sector, and (possibly) 'super regulators'.

The second research goal is based on the hypothesis that the general consolidation trend of central government administration in Europe also applies to NRAs in the EU Member States. The author intends to verify this hypothesis by tracing the changes in the number of regulators of the previously indicated sectors in the years 2000-2021 and determining the dominant trend in their institutional setup. If the hypothesis is confirmed, in the form of a case study, he will examine the context and reasons behind the selected amalgamations of regulatory agencies, the justifications for their implementation, and expectations towards the amalgamated NRAs.

The third research goal is to determine the significance of the institutional form of NRAs from the perspective of regulatory effectiveness, i.e. achieving the EU regulatory objectives. Through theoretical reflection, the author will determine whether the single-purpose or multi-sectoral structure of NRAs is legally irrelevant, or whether EU law provides any restrictions or guidelines as to specific amalgamations of regulatory bodies. He will achieve this goal by analysing the EU law and the case law of the CJEU.

Research methods

The study will be embedded in the contemporary interdisciplinary approach to public administration research. Among the research methods, the first will be the desk research of data on regulatory authorities in EU countries. The author will use the case study method to analyse selected cases of amalgamation of regulatory bodies. He will also carry out the legal analysis of the provisions of EU directives regulating specific sectors, as well as the judgments of the CJEU on the conditions of amalgamation of regulatory bodies.