

Paolo Canonico, Stefano Consiglio, Gianluigi Mangia,
Marcello Martinez, Riccardo Mercurio, Luigi Moschera
(a cura di)

ORGANIZING IN THE SHADOW OF POWER



STUDI MOA

COLLANA DI MANAGEMENT E ORGANIZZAZIONE AZIENDALE

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MARZO 2018

 ASSIOA ASSOCIAZIONE ITALIANA DI
ORGANIZZAZIONE AZIENDALE



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La Collana si propone di contribuire alla crescita e alla diffusione della conoscenza dei temi del *management* e dell'organizzazione aziendale con l'obiettivo di favorire l'approccio multidisciplinare, eliminando le barriere settoriali e promuovendo la costituzione di un luogo scientifico e di pensiero, ove gli autori di ricerche originali possano trovare un'opportunità per dare ampia diffusione ai loro contributi.

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INTRODUCTION

Power is central to any form of organizing. Scholars have long debated its forms, dimensions, manifestations and outcomes in and across organizations. Power can be some more visible, institutionalized, and legitimate, but also hidden, anarchic, illicit and even violent, erupting suddenly and disrupting organizational life.

Power can be overt, covert or a mixture of both. However, all forms of power cast shadows, some sharp, others more obfuscated, with which individuals, organizations and societies must cope, or work around. The exercise of power can be a potent means of improving productivity and growth. At the same time, it can result in exploitation and the creation of inequalities, often breeding fear and silence.

Power can trigger subversion, attempting to undermine or putting up resistance against established authorities, institutions, and professional elites, mobilizing collective energies towards what is argued to be a greater good. Other countervailing processes can be characterized by persistence, marked by a “making do” attitude of agility, improvisation, and bricolage, backed by entrepreneurial spirit and informal networks.

Power, resistance, and persistence in organizations often exist side by side, alongside reactions to them, such as revolt, bargaining, sabotage, cynicism, complacency, inventiveness, or ignorance.

Many scholars have examined and debated the various epistemologies of power and its exercise, and have attempted to characterize the complex mixtures of power, control, resistance and persistence, which more fully capture the interwoven and perhaps interdependent relations between power and resistance. They have examined resistance where some forms of it may be equally described as shadowy, covert and, occasionally, illegal.

In 2016 a network of local universities has joined forces to host the 32nd EGOS Colloquium and ensure a rich mix of intellectual energies: University Federico II (founded in 1224, one of the oldest state-supported institutions of higher education and research in the world), University Parthenope, University of Campania Vanvitelli, and University of Salerno.

The volume, thanks to the contribution of ASSIOA, presents a selection of scientific contributions further developed after the conference. It outlines an important picture of the state of the art of the research carried out by the Italian academic community within the field of organizational studies.

Naples, november 2017

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Power is central to any form of organizing. Scholars have long debated its forms, dimensions, manifestations and outcomes in and across organizations. Power can be some more visible, institutionalized, and legitimate, but also hidden, anarchic, illicit and even violent, erupting suddenly and disrupting organizational life like a volcano, an earthquake or other major exogenous event.

Power can be overt, covert or a mixture of both. However, all forms of power cast shadows, some sharp, others more obfuscated, with which individuals, organizations and societies must cope, or work around.

The exercise of power can be a potent means of improving productivity and growth. At the same time, it can result in exploitation and the creation of inequalities, often breeding fear and silence. Power can trigger subversion, attempting to undermine or putting up resistance against established authorities, institutions, and professional elites, mobilizing collective energies towards what is argued to be a greater good. Other countervailing processes can be characterized by persistence, marked by a “making do” attitude of agility, improvisation, and bricolage, backed by entrepreneurial spirit and informal networks.

Power, resistance, and persistence in organizations often exist side by side, alongside reactions to them, such as revolt, bargaining, sabotage, cynicism, complacency, inventiveness, or ignorance.

The volume seeks to engage with the topic of organization and organizing in the shadow of power, exploring and discussing what the shadow of power and organizing as “making do” might mean in and across diverse contexts.





ORGANIZATIONAL ISSUES FOR REGULATION BODIES: AN ANALYSIS OF EUROPEAN RAILWAY REGULATION AUTHORITIES

Andrea Tomo^{1,§}
*Lorenzo Mercurio*²

Abstract

This work focuses on the analysis of organizational solutions adopted by European Railway Regulation Authorities through the neo-institutional framework, to understand existing differences in the responses given by the Authorities to European lawmaking on railway matters.

To pursue this aim, all the European Railway Regulation Authorities have been compared, using a semi-structured questionnaire for gathering information about their constitution, organizational structures, coordination and control mechanisms, and governance models.

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Results highlight that the neo-institutional approach well fits with this organizational field, as both similarities and differences do emerge from the analysis. This analysis has furthermore enabled a possible grouping of the Authorities taking into account their responses to the pressures coming from European law-making.

1. The structure of railway market in Europe

The European Community, during the last two decades, has intensified its efforts and economic resources in regulation policies to reorganize and restructure the railway market and give it strong support in terms of traffic and freight transportation development, particularly taking into account the aim of avoiding monopolistic and opportunistic behaviours (De Francesco and Castro, 2016).

The following Table 1 shows how passengers transportation increased during recent years in the main European Countries.

Tab. 1 - Passenger Railway Transportation in Europe (Millions Passengers per km)

	2007	2008	2009	2010	2011	2012	2013	2014
Austria	8.514	9.687	9.620	9.713	9.819	10.117	10.700	10.881
France	81.961	86.516	88.610	N.D.	91.298	80.507	79.658	78.690
Germany	79.098	82.428	81.206	82.837	N.D.	88.794	84.644	85.920
Italy	45.985	45.767	44.404	43.349	45.944	45.018	46.902	48.170
Poland	19.524	19.762	18.128	17.485	17.633	16.598	15.971	15.085
UK	50.474	53.002	52.765	55.831	56.617	58.970	60.089	62.806

Source: Eurostat (2016)

Tab. 2 - Freight Railway Transportation in Europe (Thousand Million Tons per km)

	2007	2008	2009	2010	2011	2012	2013	2014
Austria	115.526	121.579	98.887	107.670	107.587	100.452	95.449	98.281
France	111.214	108.536	86.126	85.045	91.789	87.539	88.989	87.411
Germany	361.116	371.298	312.087	355.715	374.737	366.140	373.738	365.003
Italy	105.314	95.810	76.336	84.435	91.811	88.505	87.960	90.862
Poland	245.307	248.860	200.819	216.767	248.606	230.878	232.596	227.820
UK	104.383	103.180	87.666	89.241	100.364	115.225	117.769	108.531

Source: Eurostat (2016)

Indeed, by looking at the freight transportation, it is possible to note from Table 2 that freight transportation through railways is still limited: according to Eurostat data (2016), the European average is about 18%.

Table 3 presents interesting data on competition in the European railway market, measured by the relative market share, both for freight and passenger transportation (IRG-Rail, 2016 on data 2014). The data allows to identify two main situations: countries in which the market share is completely retained by the historic operator and countries in which the market share is divided between the historic operator and the incomer.

Tab. 3 - Railway Market Share in Europe (IRG-Rail, 2016 on data 2014)

Country	Freight		Passengers	
	Historic Operator	New Operators	Historic Operator	New Operators
Austria	79%	21%	88%	12%
Belgium	76%	24%	100%	0%
Bulgaria	51%	49%	100%	0%
Denmark	76%	24%	89%	11%
Estonia*	87%	13%	100%	0%
Finland	100%	0%	100%	0%
France	74%	26%	100%	0%
Germany	66%	34%	88%	12%
Greece	100%	0%	100%	0%
Hungary	64%	36%	97%	3%
Ireland*	100%	0%	100%	0%
Italy	59%	41%	81%	19%
Latvia	78%	22%	89%	11%
Lithuania*	100%	0%	100%	0%
Netherland	48%	52%	92%	8%
Norway	52%	48%	87%	13%
Poland	64%	36%	44%	56%
Portugal*	87%	13%	88%	12%
Romania*	46%	54%	36%	64%
Slovakia	84%	16%	97%	3%
Slovenia	90%	10%	100%	0%
Spain	74%	26%	100%	0%
Sweden	45%	55%	n. a.	n. a.
United Kingdom	45%	55%	1%	99%

(*source: Eurostat, 2014 on data 2012)

The table clearly shows how market shares are different from country to country, but what it is interesting to note is that the mean of market shares retained by historic operators in the freight market and in the passengers market are respectively 73% and 86%. In particular, the 50% of market shares of new operators is overcome in just three cases (Poland, Romania and the UK) in the passengers market, and in the freight market in four cases (Netherland, Romania, Sweden and the UK). This situation confirms what the literature (De Francesco and Castro, 2016; Lalive and Schmutzler, 2008; Preston et al., 1999; Preston, 2009) and European Union Directives and Regulations highlighted on how several steps have still to be done to open railway markets to competition.

The theme of competition in sensible systems, such as railway transportation, is strictly related to the theme of regulation. Some authors (Lalive and Schmutzler, 2008; Preston et al., 1999; Preston, 2009) highlighted that competition in railway markets is often represented by an oligopolistic market because of a very tiny market demand to sustain a high number of competitors. The willingness to introduce competition within the railway market is not only related to removing entry barriers, but also to introducing new forms of regulation to ensure that new operators can access the same key resources and services as the historic operators (Cicellin et al., 2012).

The full application of free competition does not exclusively represent a simple assumption to ensure economic growth, but it also represents a fundamental requirement to participate actively in the European integration process (Mercurio and Martinez, 2009). The reform process in European countries has followed intermediate models that cannot be identified, neither with the free market nor with the States' visible hand: it rather appeared to be models such as a quasi-market, with the aim to assign to the system the desired level of flexibility, thus solving the issue of operators' substitutability. In fact, the degree of effective vertical separation among

railway operators and infrastructure managers varies deeply in Europe from country to country (Martinez et al., 2013). In particular, in countries where this separation is only formal, the model where the operator is integrated with the infrastructure manager (defined as third party access) is restricted in accepting other operators on the same line.

In contrast to this, it is worth noting that one of the main reasons why the regulation theme is perceived as so important is that, in general, economic theory points out that a higher competition level should determine a higher quality service and a lower level of costs (Finger and Rosa, 2012). On this point, it is possible, indeed, to identify some limits. Railway systems are characterized by a traffic density economy. This means that a particular level of production on a certain railway line can be more economically realized by a single operator than in the case of multiple operators (Canonico and Martinez, 2006; Caves, 1990).

Referring to liberalization and privatization policies, it is often interpreted as resulting in inadequate public management and that private equity can better guarantee aspects of effectiveness and efficiency (Martinez et al., 2012). Indeed, as evidenced by Majone (2010):

No mode of regulation is immune from regulatory failures of various types. In case of public-ownership regulation, the following failures have been mentioned in the literature: capture of public managers by politicians and trade unions; anti-competitive behaviour through public monopolies; ambiguous and inconsistent goals given to public managers; poor coordination among different public enterprises; no effective control over public enterprises by parliament, the courts, or even the sponsoring minister (p. 9).

Majone (2010) also highlighted some positive aspects of a normative theory of regulation, according to which regulation is undertaken to correct

various types of market failures (such as failure of competition, negative externalities, information failures, insufficient provision of public goods and services). Under this consideration, the question to be undertaken is related to the possibility of creating a harmonization of regulation of those public utilities that impact on a wider community. A first step in this sense, may be represented by the creation of a unique railway area, as more time amended by the European Union in its Directives on railway matter, and the establishment of a unique railway Authority to improve European efforts in creating an open, high-quality and efficient railway market.

In this work we analyzed all the Authorities at national level in order to comprehend their differences and similarities in terms of organizational and governance structures through the neo-institutional framework, since the particular highly institutionalized field in which they operate.

2. Organizational and governance aspects for an effective regulation

Some contributions in the literature (e.g., Joskow, 1996; Vestlund, 2017), as well as principles for the good governance of Regulators (OECD, 2013), highlighted the importance of dimensions such as organization, governance and control aspects, even for Regulatory Bodies.

In fact, as evidenced by the OECD (2013):

Efficient and effective regulators, with good regulatory practices, are needed to administer and enforce regulations. The comprehensive regulatory reviews of individual policy areas by governments frequently find that there is scope to enhance governance as part of broader initiatives to improve regulatory outcomes. It is clear that appropriate governance arrangements for regulators support improvements in regulatory practice over time, and strengthen the legitimacy of regulation (p.2).

Another argument for the Authorities' governance is that the need to create an Authority totally independent from the competent Ministry is coherent with the aim to coordinate the separation between operators and infrastructure managers, promoting competition and making prices lower.

From a perspective of public governance, independent regulatory authorities are agencies that are endowed with significant powers and that have a certain degree of autonomy in their decision-making processes (Gilardi and Maggetti, 2011; OECD, 2005). The advantage of independent regulatory authorities is that they ensure that regulatory activities are shielded from short-term political considerations and the influence of special private or public interests, along with their being a guarantee of transparency, predictability and quality of decision-making (Gilardi and Maggetti, 2011).

For independent regulatory authorities to provide the benefits expected of an optimal regulatory system, there must be a well-thought out institutional organization. The political, institutional and administrative implications of independence are not always grasped fully. In fact, formal independence is not always associated with *de facto* independence and, on the other hand, some regulators can be independent in practice without being independent on paper (Gilardi and Maggetti, 2011). This independence must go hand in hand with a number of procedural conditions and a system of checks and balances. An effective appeal system, but one that does not paralyze the action of regulators, is an important element for responsibilities to be exercised properly. For all these reasons, it seems essential to give the utmost attention to the design and implementation of these bodies, and to conduct periodical performance evaluations and reviews (OECD, 2006).

On the other hand, the possibility to create authorities within the competent Ministry is not strictly prohibited by European law, but the risk of a minor independence is higher. The main conditioning may arise in the case

that the Authority is part of a Ministry that also owns the historic operator, thus creating a strong conflict of interests. Thus, even under the aspect of governance, what is to be taken into account is the need for an effective process of harmonization; this presupposes more homogeneity among countries of a wider community. Hence, as highlighted by Majone (2010), to meet the demand for more tailored norms for national and transnational communities, the analysis of institutions, their organization and their governance is required to explain how their networks are formed and how they evolve over time (Majone, 2010). These differences between countries, in terms of culture, preferences and needs, may represent a hurdle to the harmonization of the European Community, especially when they lead to different responses to mandatory European law requests.

3. Theoretical framework

Since their role as institutions, despite the recent so-called “agencification” (Levi-Faur, 2011), i.e., the evolution of the Regulatory market, may be explained through a neo-institutional approach (Meyer and Rowan, 1977), also to verify the existence among Railway Authorities of similar behaviours (DiMaggio and Powell, 1983; Powell and DiMaggio, 1991). This approach may also help explaining similarities and differences in terms of organizational structures, governance and degree of openness, adopted by the authorities in responding to the European lawmaking, as this dimensions represent important indicators for good governance and management also for Regulation Authorities (OECD, 2013).

The neo-institutional approach is coherent with the aim of this study; on one hand, because of the important role of the European Union regulatory laws; on the other hand, because of the application of the same theoretical framework to the transportation industry by other studies (Martinez and Canonico 2005; Mercurio and Martinez, 1999).

Meyer and Rowan (1977, 2006) and Zucker (1987) highlighted the role of culture and cognitive processes within the institutional analysis; these findings are useful even in consideration of cultural differences among European countries.

To describe the main features of neo-institutionalism, it is useful to briefly provide some key points:

1. The impact of the institutional context (Hasselbladh and Kallinikos, 2000; Kerremans, 1996), referring particularly to its values, ideas and convictions (DiMaggio and Powell, 1991; Short et al., 2008), and in terms of market opportunities and pressures deriving from the institutional context;
2. Isomorphic processes and organizational convergences. According to neo-institutional theorists, institutional pressures lead organizations to adopt the same organizational form or highly similar forms (Meyer and Rowan, 1977).

To be accepted by the context, organizations can decide (and they do) to conform to norms, rules, praxis, and rational criteria defined by the context itself, in order to gain legitimacy and improve their possibilities to survive and have success.

According to DiMaggio and Powell (1983), isomorphic processes follow different evolutionary steps in the organization field. In the first years, in fact, organizations in the same field appear different. Instead, going through the years, institutional pressures within the field lead to the beginning of the isomorphic process and then the organizations start to become similar.

The starting point of Meyer and Rowan's (1977) reasoning is grounded on the fact that the external context is highly institutionalized. In this way norms, rules, praxis and rational criteria are defined and become compul-

sory elements for organizations, so that they come to accept and share the rational criteria defined by institutions (Lodge, 2003).

According to DiMaggio & Powell isomorphic processes can be classified into three main processes:

1. Coercive isomorphism: organizations are exposed to external pressures that constrain them to adequate.
2. Mimetic isomorphism: organizations start voluntarily to adopt imitation processes of other organizations recognized as benchmark, also because they recognize in this process an high level of legitimacy and effectiveness.
3. Normative isomorphism: organizations decide to adequate and start isomorphic processes following norms, values and ideas recognized as valid by the context.

This theoretical premise helps us in acknowledging that most of the authorities have probably adopted behaviors coherent with those established by the EU laws; it also appears useful in recognizing and analyzing existing differences among the Authorities.

4. Research methodology

This study employs a qualitative semi-structured questionnaire, submitted to all the European Railway Regulation Authorities (28 subjects) from April to November 2015.

The submission to the entire population observed enables an higher degree of originality to the work and higher degree of corroboration respect to the case of a restricted class (Bryman, 2003; Bryman and Bell, 2007).

The submitting process has followed five steps: first notice; question-

naire with a reminder; first reminder; second reminder; third reminder.

Out of 28 Authorities, 17 took part in the research by sending back completed questionnaires (response rate 74%). This results is more interesting considering that, in terms of passengers, these Authorities represents 83% of the European total. Some data have been then gathered from complementary sources (Authorities' websites, annual reports and other documents) in order to complete the picture over all the European Railway Regulation Authorities.

The questionnaire has been structured in four sections to collect data about authorities' constitutions, organizational structures (in terms of organizational form, human resources and offices), competences and responsibilities, governance and the degree of openness to relationships with other authorities and associations; some questions have been structured as open questions, some as multi-options questions and others as yes/no questions.

The year of constitution (Section 1) of each Railway Authority results prominent to understand countries reactions to the First Directive on Railways (1991) and then to the mandatory request to establish the Regulation Authorities (First Railway Package, 2001).

We then asked for details on competences (Section 2) and organizational structures (Section 3), to highlight differences between the authorities regarding their organization and competence on the railway market or more generally on public utilities.

The analysis of governance (Section 4), in terms of the need to create authorities independent from political influence and from public or private short-term interests, has been conducted to check the state of dependence or independence of the authorities from the competent Ministry and relationships with other kinds of international or national bodies.

5. Analysis and discussion

Authorities constitution

Table 4 shows the periods of constitution and evidences how the time of responses to European Regulating laws has been very different from Country to Country.

Tab. 4 – Authorities and their year of constitution

Country/Authority	Year of constitution (Year of change)
Austria Schienen-Control GmbH	1999
Belgium Service de Régulation du Transport Ferroviaire et de l'Exploitation de l'Aéroport de Bruxelles	2004
Bulgaria Railway Administration Executive Agency	2002
Croatia Croatian Regulatory Authority for Network Industries (HAKOM)	2009 (2013)
Czech Republic The Rail Authority	1994
Denmark Danish Railway Regulatory Body	2010
Estonia Estonian Competition Authority (Konkurentsiamet)	1993
Finland Finnish Transport Safety Agency (Trafi)	2010
France Autorité de Régulation des Activités Ferroviaires et Routières (ARAFER)	2009
Germany Bundesnetzagentur / Federal Network Agency for Electricity, Gas, Telecommunications, Post and Railway	1998
Greece Regulatory Authority for Railways (RAS)	2010

Country/Authority	Year of constitution (Year of change)
Hungary National Transport Authority	2013
Italy Autorità di Regolazione dei Trasporti	2003 (2012)
Latvia State Railway Administration of Latvian Republic	1999
Lithuania Competition Council	1999
Luxembourg Institut Luxembourgeois de Régulation	1997
Macedonia Railway Regulatory Agency (RRA)	2009
Netherlands Authority for Consumers & Markets (ACM)	1998
Norway The Norwegian Railway Authority	1996
Poland Office for Rail Transport	2003
Portugal AMT - Autoridade da Mobilidade e dos Transportes	2007
Romania Consiliul Concurentei	1996 (2011)
Slovakia Transport Authority	2009 (2013)
Slovenia Post and Electronic Communications Agency of the Republic of Slovenia (APEK)	2003
Spain Comisión Nacional del Mercado y la Competencia (CNMC)	2005 (2013)
Sweden Transportstyrelsen - Swedish Transport Agency	2011
Switzerland Federal Office of Transport	2000
United Kingdom Office of Rail Regulation	1993

Regarding the year of constitution, the previous table shows how response times to European regulatory laws have been very different from country to country. We also added in brackets the ‘year of change’, meaning that some authorities recently made a change that interested:

- their state of dependence from the competent Ministry, or
- their competence over railway market toward a wider competence on transports more in general or over all public utilities.

With regard to the two main steps of European railway lawmaking (1991 and 2001), it is possible to individuate two main groups of authorities. A first group of countries may be classified as ‘proactive’ as they established their authority before the First Railway Package (2001).

Within this group, in some cases (e.g., Estonia, United Kingdom, Czech Republic) the authorities have been created in less than four years since the Directive 440/91/CE.

The second group, instead, consists of all those countries who established their authority just after the entry into force of the First Railway Package, where the establishment is mandatorily required. Within this group, we may find 16 authorities (e.g., Belgium, Bulgaria, Italy - with its first authority “*Ufficio per la Regolazione dei Servizi Ferroviari*” - Poland and Spain); in particular, in some cases countries responded to the First Railway Package after ten years (e.g., Denmark, Finland and Sweden). It is interesting to highlight that this group represents more than 50% of the authorities.

Competences and responsibilities

Considering the aspect related to the competence, it has been possible for authorities to organize themselves by following three main criteria:

to be specific to the railway market, to be competent more generally on transports, or to be competent over all the public utilities. As it is possible to note from Table 5, in five cases (Italy, Croatia, Romania, Slovakia and Spain), in recent years some authorities have been merged or changed to be competent more generally in public utilities (Croatia, Romania and Spain), or over transports (Italy and Slovakia). In two of these cases (Italy and Romania), authorities have also moved from being Ministry dependent to being independent, as a consequence of European lawmaking and to avoid the risk of incurring EU sanctions and fines.

Tab. 5 – Authorities' competences.

Country/Authority	Competences
Austria Schienen-Control GmbH	railway specific
Belgium Service de Régulation du Transport Ferroviaire et de l'Exploitation de l'Aéroport de Bruxelles	railway specific
Bulgaria Railway Administration Executive Agency	railway specific
Croatia Croatian Regulatory Authority for Network Industries (HAKOM)	public utilities
Czech Republic The Rail Authority	railway specific
Denmark Danish Railway Regulatory Body	railway specific
Estonia Estonian Competition Authority (Konkurentsiamet)	public utilities
Finland Finnish Transport Safety Agency (Trafi)	transports
France Autorité de Régulation des Activités Ferroviaires et Routières (ARAFER)	railway specific
Germany Bundesnetzagentur / Federal Network Agency for Electricity, Gas, Telecommunications, Post and Railway	public utilities

Country/Authority	Competences
Greece Regulatory Authority for Railways (RAS)	railway specific
Hungary National Transport Authority	transports
Italy Autorità di Regolazione dei Trasporti	transports
Latvia State Railway Administration of Latvian Republic	railway specific
Lithuania Competition Council	public utilities
Luxembourg Institut Luxembourgeois de Régulation	public utilities
Macedonia Railway Regulatory Agency (RRA)	railway specific
Netherland Authority for Consumers & Markets (ACM)	public utilities
Norway The Norwegian Railway Authority	railway specific
Poland Office for Rail Transport	railway specific
Portugal AMT - Autoridade da Mobilidade e dos Transportes	transports
Romania Consiliul Concurentei	public utilities
Slovakia Transport Authority	transports
Slovenia Post and Electronic Communications Agency of the Republic of Slovenia (APEK)	public utilities
Spain Comisión Nacional del Mercado y la Competencia (CNMC)	public utilities
Sweden Transportstyrelsen - Swedish Transport Agency	transports
Switzerland Federal Office of Transport	railway specific
United Kingdom Office of Rail Regulation	railway specific

In more detail, three groups may be individuated as follows: 13 authorities are in charge specifically on railways, 6 are in charge of all transports and 9 are in charge of all public utilities.

Organizational structures and coordination mechanisms

Table 6 resumes the different organizational structures adopted by the Authorities.

Tab. 6 – Authorities' organizational forms.

Country/Authority	Organizational form	Offices	Employees
Austria Schienen-Control GmbH	Functional	1	15
Belgium Service de Régulation du Transport Ferroviaire et de l'Exploitation de l'Aéroport de Bruxelles	Divisional	1	6
Bulgaria Railway Administration Executive Agency	Functional	4	52
Croatia Croatian Regulatory Authority for Network Industries (HAKOM)	Divisional	1	174
Czech Republic The Rail Authority	Functional	3	130
Denmark Danish Railway Regulatory Body	Council	1	11
Estonia Estonian Competition Authority (Konkurentsiamet)	Divisional	1	49
Finland Finnish Transport Safety Agency (Trafi)	Mixed	1	528
France Autorité de Régulation des Activités Ferroviaires et Routières (ARAFER)	Functional	2	54
Germany Bundesnetzagentur / Federal Network Agency for Electricity, Gas, Telecommunications, Post and Railway	Divisional	14	2.500
Greece Regulatory Authority for Railways (RAS)	Council	1	21

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Country/Authority	Organizational form	Offices	Employees
Hungary National Transport Authority	Divisional	5	56
Italy Autorità di Regolazione dei Trasporti	Functional	1	54
Latvia State Railway Administration of Latvian Republic	Functional	1	11
Lithuania Competition Council	Functional	1	60
Luxembourg Institut Luxembourgeois de Régulation	Mixed	1	55
Macedonia Railway Regulatory Agency (RRA)	Functional	1	4
Netherlands Authority for Consumers & Markets (ACM)	Mixed	1	500
Norway The Norwegian Railway Authority	Functional	2	60
Poland Office for Rail Transport	Divisional	7	195
Portugal AMT - Autoridade da Mobilidade e dos Transportes	Functional	16	820
Romania Consiliul Concurenței	Divisional	1	314
Slovakia Transport Authority	Divisional	8	170
Slovenia Post and Electronic Communications Agency of the Republic of Slovenia (APEK)	Mixed	1	82
Spain Comisión Nacional del Mercado y la Competencia (CNMC)	Divisional	3	496
Sweden Transportstyrelsen - Swedish Transport Agency	Mixed	15	1.750
Switzerland Federal Office of Transport	Council	1	7
United Kingdom Office of Rail Regulation	Functional	6	280

Out of the 28 authorities, 11 adopt a functional form, while 9 adopt a divisional form, and 5 adopt a mixed functional-divisional form. Three authorities (Denmark, Greece and Switzerland), instead, are structured as councils.

From data shown in Table 6, emerges how differently each authority responded even in terms of structures and human resources. It is worth noting that Italian and Portuguese authorities, despite being in charge of transports generally, decided to adopt a functional form, while differently in all the other cases the sector specificity on railways is related to a functional form and the competence on public utilities or all transports is related to a divisional or mixed form.

Table 7 highlights the different coordination mechanisms mainly used by Authorities to coordinate roles, employees and activities within their units or departments.

Tab. 7 - Coordination mechanisms

Country	Type of mechanism				Frequency of meetings		n. meetings
	manager	committee	meetings	Task force	Periodical	ONE SPOT	
Austria	Yes	No	Yes	No	Yes	No	40
Bulgaria	Yes	No	Yes	Yes	Yes	Yes	50
Croatia	N. R.	N. R.	N. R.	N. R.	N. R.	N. R.	N. R.
Czech Rep.	Yes	Yes	Yes	Yes	Yes	No	50
Estonia	No	No	No	No	No	Yes	n.d.
Finland	No	No	Yes	No	Yes	No	26
Germany	Yes	No	Yes	No	Yes	Yes	n.d.
Hungary	No	No	Yes	Yes	Yes	No	200
Italy	Yes	Yes	Yes	Yes	Yes	Yes	50
Lithuania	No	No	No	Yes	No	No	No
Netherland	N. R.	N. R.	N. R.	N. R.	N. R.	N. R.	N. R.
Norway	Yes	No	Yes	Yes	Yes	No	40
Romania	Yes	Yes	Yes	Yes	Yes	No	12

Country	Type of mechanism			Frequency of meetings			n. meetings
	manager	committee	meetings	Task force	Periodical	ONE SPOT	
Slovenia	Yes	No	Yes	No	Yes	No	50
Spain	No	Yes	Yes	No	Yes	No	30
Switzerland	N. R.	N. R.	N. R.	N. R.	N. R.	N. R.	N. R.
United Kingdom	Yes	Yes	Yes	Yes	Yes	No	10

The use of mechanisms as integrating manager recurs in the 64% of the cases, while the use of committee recurs in the 36% of the cases.

The use of task forces recurs in the 57% of the cases, while meetings are used more frequently in the 86% of the cases.

The orientation to set the frequency of meetings as periodic looks preponderant: this choice is taken in the 86% of the cases, while “one spot” meetings recurs only in the 29% of the cases.

The main reasons for which Authorities recurs to meetings are “strategy implementation” (11 choices), then “strategy definition” (9 choices), organizational culture (7 choices) and training (4 choices).

Among “other reasons”, the most recurrent result is “information exchange”.

Governance

The analysis of governance aspects and openness to relationships with other authorities or associations seems paramount since these two parameters are strongly considered by European lawmakers, on the basis that independence from the competent Ministry is required to avoid short-term interests and political influence; the degree of openness to information exchange and to relationships with other authorities and associations are crucial to the process of a more integrated railway area.

Tab. 8 – Dependence/independence from the competent Ministry.

Country/Authority	Dependence from the Ministry
Austria Schienen-Control GmbH	independent
Belgium Service de Régulation du Transport Ferroviaire et de l'Exploitation de l'Aéroport de Bruxelles	independent
Bulgaria Railway Administration Executive Agency	dependent
Croatia Croatian Regulatory Authority for Network Industries (HAKOM)	independent
Czech Republic The Rail Authority	independent
Denmark Danish Railway Regulatory Body	independent
Estonia Estonian Competition Authority (Konkurentsiamet)	dependent
Finland Finnish Transport Safety Agency (Trafi)	independent
France Autorité de Régulation des Activités Ferroviaires et Routières (ARAFER)	independent
Germany Bundesnetzagentur / Federal Network Agency for Electricity, Gas, Telecommunications, Post and Railway	independent
Greece Regulatory Authority for Railways (RAS)	independent
Hungary National Transport Authority	independent
Italy Autorità di Regolazione dei Trasporti	independent
Latvia State Railway Administration of Latvian Republic	dependent
Lithuania Competition Council	independent

Country/Authority	Dependence from the Ministry
Luxembourg Institut Luxembourgeois de Régulation	independent
Macedonia Railway Regulatory Agency (RRA)	independent
Netherlands Authority for Consumers & Markets (ACM)	independent
Norway The Norwegian Railway Authority	dependent
Poland Office for Rail Transport	dependent
Portugal AMT - Autoridade da Mobilidade e dos Transportes	independent
Romania Consiliul Concurentei	independent
Slovakia Transport Authority	independent
Slovenia Post and Electronic Communications Agency of the Republic of Slovenia (APEK)	independent
Spain Comisión Nacional del Mercado y la Competencia (CNMC)	independent
Sweden Transportstyrelsen - Swedish Transport Agency	independent
Switzerland Federal Office of Transport	independent
United Kingdom Office of Rail Regulation	independent

Looking at Table 8, a first categorization, with respect to the state of dependence/independence of the authorities from the competent Ministry, is possible:

1. Authorities completely independent from the competent Ministry;
2. Authorities as an internal part of the competent Ministry.

The option to create an Authority totally independent results coherent with the aim to coordinate the separation between operators and infrastructure managers, promoting competition and making prices lower.

The advantage of independent regulatory authorities is that they ensure that regulatory activities are shielded from short-term political considerations and the influence of special private or public interests, along with their being a guarantee of transparency, predictability and quality of decision-making (Gilardi and Maggetti, 2011).

On the other side, the possibility to create Authorities within the Ministry is not prohibited by the European law, but the risk of a minor independence is higher.

Table 9 highlights some interesting data related to the relationship among the Authorities with their competent Ministry, other Authorities and Category Associations.

Tab. 9 - Analysis of Governance and relationships with other Bodies

	Relationship with the Ministry	Which kind of relationship?	Related to other National or international Regulation Authorities	Which kind of relationship?	Related to other Authorities	Which kind of relationship?	Related to Category Associations	Which kind of relationship?
Austria	rarely	report	no	-	yes	Under the property of the Ministry of Transportation	no	-
Bulgaria	often	meetings, report	yes	Member of IRG	no	-	no	-
Croatia	Rarely	Meetings, reports, meetings, parliamentary	yes	Cooperation with IRG-Rail, European Railway Agency, Rail Net Europe	no	-	yes	Cooperation with the Trade Chamber Association

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	Relationship with the Ministry	Which kind of relationship?	Related to other National or international Regulation Authorities	Which kind of relationship?	Related to other Authorities	Which kind of relationship?	Related to Category Associations	Which kind of relationship?
Czech Rep.	rarely	meetings, report	no	-	no	-	no	-
Estonia	often	Meetings, report	yes	Partnership with IRG-Rail, IRG, BEREC, ERRA	no	-	no	-
Finland	rarely	Questions related to negotiation and legislation	no	-	yes	Under the property of National Safety Authority	no	-
Germany	rarely	report	no	-	no	-	no	-
Hungary	rarely	Opinions over legislative questions	yes	cooperation with Hungarian Competition Authority	yes	partnership with other Hungarian Authorities competent in fiscal matters or Consumer Protection	yes	partnership with Hungrail (lobbying organization for market players)
Italy	rarely	meetings	yes	ENRRB meetings, Cooperation Agreement on RFC, Cooperation activities on rail international traffics	no	-	no	-
Lithuania	rarely	meetings	no	-	no	-	no	-
Norway	often	meetings, report	yes	formal-informal cooperation	no	-	no	-
Romania	rarely	n. r.	no	-	no	-	no	-
Slovenia	rarely	meetings	yes	Member of IRG and ENRRB	no	-	no	-

	Relationship with the Ministry	Which kind of relationship?	Related to other National or international Regulation Authorities	Which kind of relationship?	Related to other Authorities	Which kind of relationship?	Related to Category Associations	Which kind of relationship?
Spain	often	report	yes	Member of IRG	yes	Next creation of a unique administrative board with the coordination and information role for all the Spanish OR	no	-
Switzerland	n.r.	n.r.	n.r.	n.r.	yes	Information Exchange with Federal Transportation Bureau	n.r.	n.r.
United Kingdom	often	meetings, parliament meetings	yes	Member of IRG, ILGGRI and Channel Tunnel	no	-	no	-

With regard to the frequency of the relationship with the competent Ministry, most of the Authorities replied “rarely” (63%), while 31% indicated “often” and 6% “never”.

Referring to the kind of relationship, most of Authorities has indicated “meetings” and “report”.

Considering the relationship with other Regulation Authorities, 56% of respondents answered “yes”, mainly indicating cooperation or partnership.

Most of the Authorities (71%) then indicated not to have relationship with other Organisms (not specific on Regulation, in this case); the remaining 29% have indicate their dependence from the Ministry of Transportation (Austria), from National Safety Authority (Finland), while Switzerland has a relationship based on information exchange with the Federal

Office of Transportation and the Hungary has indicated partnerships with Authorities competent in fiscal matters and Consumer Protection.

Relatively to the relationship with Category Associations, a very high percentage (88%) of Authorities has replied not to have this kind of relationships.

The only cases (12%) that have replied to have relationships with Category Associations, have indicated partnership with a lobby created by market players and the cooperation with the National Commerce Chamber.

From this analysis it has been possible to build a matrix by putting together the aspects of governance and the sector specificity, to understand authorities' behaviours within their capacity to adopt different organizational models with respect to their dependence/independence and their competences.

The matrix considered all the authorities, with respect to the sector specificity and the dependence from the competent Ministry. With regard to an authority's dependence from the Ministry and its competence being strictly railway specific, we defined the model as 'Specialist Office'. In the case of an authority that is dependent on the Ministry, but one that is not only competent for the railway sector, we defined the model as 'Generalist Office'. In the case of an authority that is independent from the competent Ministry, we have two models defined as 'Specialist Agency' or 'Generalist Agency' depending on whether the authority is only competent for railways or it has a wider competence.

Fig. 1 - Matrix 'specificity/dependence' (our elaboration).

Degree of dependence from the competent Ministry	Dependent	SPECIALIST OFFICE <i>(Norway, Bulgaria, Poland, Latvia)</i>	GENERALIST OFFICE <i>(Estonia)</i>
	Independent	SPECIALIST AGENCY <i>(Macedonia, Austria, Denmark, Switzerland, Belgium, France, United Kingdom, Czech Republic, Greece)</i>	GENERALIST AGENCY <i>(Portugal, Romania, Croatia, Hungary, Luxembourg, Slovakia, Finland, Italy, Netherland, Slovenia, Germany, Lithuania, Sweden, Spain)</i>
		Railway Specific	Non Sector Specific (All Transports or Public Utilities)

Figure 1 clearly demonstrates the answer to European mandatory provisions to create independent authorities: 23 countries, in fact, established an independent authority regardless of the sector specificity. However, there are still five authorities dependent on the competent Ministry. In addition, it is worth noting the tendency to establish (or to move toward) a model that can be defined as 'Generalist Agency'; that is, one that is independent from the Ministry and competent over all transportation or other public utilities: this model has been adopted by 14 authorities (50% of the total).

Under a neo-institutional approach, this may be explained by asserting that some countries followed a kind of coercive isomorphism (since the authorities are exposed to EU mandatory requests), while other countries followed a kind of mimetic isomorphism: this is the case of the authorities that voluntarily moved from one model to another (e.g., the Generalist Agency).

6. Conclusions

This work has analysed organizational, structural and governance aspects of all the European railway regulation authorities through a neo-institutional approach, with the aim of understanding their similarities/differences within a particularly high institutionalized field as the regulation field is.

This study finds its reason in the claim for an integrated railway area and culture, as also highlighted in several EU Directives on railway matters.

Two main conclusions may be drawn on the basis of our analysis relatively to:

1. Authorities' responses to European lawmaking;
2. Authorities' organizational models;

On the first point, it is possible to assert that Member States responded to a common normative intervention with a great heterogeneity of solutions both in terms of time and organizational structures:

- While some countries adopted proactive behaviour by establishing their authorities less than four years after the first Directive (1991), other countries responded after the Third Railway Package (more than 10 years later);
- Under the organizational aspect, not all the authorities followed the principle of adopting a particular organizational form as a consequence of their market competence (railway specific, transports generally and public utilities), even if there is a main trend toward functional forms related to the specific competence on railways;
- Then, an interesting point to highlight is the case of five authorities that, in 2012 and 2013, moved from a railway sector specific competence to a

wider competence (over all public utilities – Romania, Spain and Croatia – and over transports in general – Italy and Slovakia).

These results are in line with the adopted neo-institutional framework. Organizational forms are not only the result of a theoretical model, but also of the influence of the dynamics within an organizational field in which organizations face external pressures coming from institutions and other organizations (DiMaggio and Powell, 1983; Meyer and Rowan, 1977). In fact, the change of five authorities from different models of sector competence and dependence from the competent Ministry testifies how organizations (authorities in this case), often do not accomplish (only) normative intervention but they voluntarily change their structures and objectives.

On the second point, the analysis of the field permitted us to highlight the fact that the choice of an organizational model is not only a dependent variable of the market size. Good examples of this are Croatia and Estonia who, despite the small market, opted for a divisional model; while, on the other hand, Portugal, despite the competence being on transport more generally, opted for a functional form with 16 offices and more than 800 employees.

As highlighted in Table 3, the mean of market shares retained by historic operators in the freight market and in the passengers market are respectively 73% and 86%. In addition, the 50% of market shares of new operators is overcome just in three cases (Poland, Romania and the UK) in the passengers market, and in the freight market in four cases (Netherlands, Romania, Sweden and the UK). In other words, the criteria of rationality that guided policy makers of the individual States joining the European Union led to different conclusions, although starting from the same normative statements contained in the various Railway Packages and moving within the same European institutional context.

In brief, competition regulation still has a long way to go before being ready to establish a unique Authority, especially taking into account the clear absence in Europe of a true political, economic and cultural integration.

By looking at Table 4, it is possible to assert that the organisational field of regulatory authorities has just been recently established. Thus, a possible suggestion for future research on this field may be the repeating of this study in a longitudinal way so as to verify the progress and future changes.

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