

(MOVE)

From: [REDACTED] (MOVE)
Sent: mercredi 30 juin 2021 19:49
To: [REDACTED] (MOVE); [REDACTED] (MOVE); [REDACTED] (MOVE)
Cc: [REDACTED] (MOVE)
Subject: minutes- meeting with Wiener Linien
Attachments: 2021_6_PSO_Guidelines_WL_1pager.pdf

Follow Up Flag: Follow up
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Dear all,

[REDACTED] and me met yesterday with Wiener Linien, a company which is responsible for the network of urban public transport services of the city of Vienna. The PSC was awarded. The call was initiated by the company as they wanted to discuss particular points which, in their view, should be included and clarified in the Interpretative Guidelines to Regulation 1370.

They phrased the whole discussion around the point of a modal shift from cars to public transport and suggested that such emphasis is included in the IG, too.

Their main point related to multimodality: as a PSC provider for the network, their PSC includes also the management and coordination of shared mobility elements (bike sharing, car sharing etc.). They do not provide those activities themselves, but plan to run a public tender to choose a provider. (It was not clear what sort of contract that provider would have and with whom.) To this end, they requested whether the IG can make it clear that such management activities of shared mobility is covered and can be compensated under Regulation 1370. They interpret the Preamble as supportive of their position (point 14 "*Where the competent authorities are responsible for organising the public transport network, apart from the actual operation of the transport service, this may cover a whole range of other activities and duties that the competent authorities must be free either to carry out themselves or entrust, in whole or in part, to a third party.*"). They were particularly concerned that they apply the annex to such activities, too, and would want to avoid a separate State aid notification under SGEI rules. They see such services as complementary to the public transport network.

We explained that the scope of Regulation 1370 is strictly limited to the provision of *public transport* (mass, regularity of service etc.): which does not really fit with bike sharing/ car sharing services. Second, we also explained that even if it was within the scope, we have doubts that such services could be covered by PSOs, given the developing commercial market for them (e.g. the number of car sharing services in Brussels). Furthermore, the provision of point 14 refers to underlying services which can be subject to PSO- so would not necessarily apply then in this context. Last, even if they could fall within the PSO, the regular SGEI rules would apply outside of the Reg. 1370 context.

We explained we cannot (and actually would not see any need even if we could) to stretch the interpretation of Reg. 1370 beyond its scope. But nevertheless, in the context of the Strategy and support for modal shift and intermodality, it raises an interesting question as to how the market for bike sharing/ car sharing should be treated from the PSOs perspective.

The rest of the discussions related to interpretative questions of Art. 5(2)(b): what are the limitations for participating in tenders for internal providers (what does "participating" mean and whether it extends to providing know-how advice to a third party bidder) and what is covered by neighbouring competent authorities in an urban context.

Enclosed, please see for your info a one-pager on the topics they prepared ahead of the meeting.

They may come back to us in September again.

Regards,

