

Revision of the interpretative guidelines of the PSO-regulation (EC 1370/2007)

Wiener Linien welcome the intention of the European Commission (EC) to revise and adapt the interpretative guidelines of the PSO-regulation. In the last few years digitalisation and decarbonization and, more recently, the corona-pandemic led to changes in the mobility sector and the environment for public transport operators (PTO). In order to provide a stable legal framework for PTOs clarifications on several provisions in the guidelines of the PSO-regulation are deemed necessary.

1. Acknowledgement of public transport in reaching the green deal's objectives

The green deal and the objective to become the first climate neutral continent by 2050 necessitate more ambitious EU-policies especially in the mobility sector. Public transport and other sustainable modes will play a crucial role in reaching these ambitious targets what should be emphasized in the introduction of the guidelines.

2. PTOs/internal operators as mobility designers (recital 14, art. 4 para 1a)

In recent years *new mobility services* such as bike-sharing or car-sharing are further advanced and increasingly used. They are complementary to public transport and should be easily accessible for the population, ideally embedded in a holistic mobility platform.

PTOs such as Wiener Linien have increasingly developed into mobility designers in their attempt to facilitate and integrate more transport modes within one mobility platform (*see presentation*). They have long-standing experience in city- and transport-planning and are capable of integrating new services in all of their communication-, marketing- and sales-channels – be it digital or physical. Thus, we are convinced that PTOs are best suited to organize and manage sharing services. PTOs should not operate the services themselves but be responsible for the tendering which guarantees competition in the sector.

Although recital 14 in the PSO-regulation already states that the competent authority can entrust third parties with the organisation of parts or the whole public transport network including a range of other activities apart from the actual operation, a clarification in the guidelines regarding *new mobility services* would be welcome. We suggest to add explicitly that **the competent authority is allowed to integrate the organisation of new mobility services (such as sharing services) within the definition of the public service obligation according to article 4 para 1a**. This could be added in chapter 2.2.5. of the guidelines or in a new paragraph.

3. Clarifications in the context with Art. 5 para 2b

A more precise definition regarding **the prohibition of participating in tenders “outside the territory of the competent local authority”** is necessary. Currently, it is unclear if only the submission of an offer or already the mere support of one of the competitors via knowledge-sharing during the tendering process is prohibited. This leads to legal uncertainty.

A broader and clearer definition is needed for **“any outgoing lines or other ancillary elements of that activity which enter the territory of neighbouring competent local authorities”**. Especially for urban conurbation a good connection to the periphery is essential, thus, also municipalities in the surrounding regions must be included in the definition. Sustainable choices for commuters are central to “get them out of their cars”, thereby, supporting the objectives of the EU’s green deal.

4. Further clarifications regarding the following topics

- Over- and under-compensation (*Art 6 para 1; Chapter 2.4.2. in guidelines*)
- General rules in the context with establishing maximum tariffs (*Art. 3 para 2*)