

From: [REDACTED]@epf.eu
To: [MOVE PSO REGULATION](#)
Subject: Draft revised interpretative guidelines concerning Regulation 1370/2007 - Feedback EPF
Date: jeudi 20 janvier 2022 09:41:06
Attachments: [image001.gif](#)

Dear Madam,
Dear Sir,

Following your e-mail below, EPF hereby provides its feedback on the revised interpretative guidelines concerning Regulation 1370/2007.

We support the statement of our member organisation FNAUT. On behalf of EPF we wish to include the following additions.

For EPF, these are the main issues that are important as covered by Regulation 1370/2007:

- Regulated competition combines the guarantee of public transport services with initiatives for companies to deliver customer oriented, cost efficient service quality;
- There is currently excessive scope for derogation and inadequate provision for procedural transparency (guaranteeing a non-discriminatory competitive process);
- There is a need for cross-border public service awards and possibly 'hybrid' arrangements (PSO on one side and commercial on the other side of the border).

Considering the third point, it may take some time to establish new cross-border services and therefore carry additional risks, hence the need for a PSO to underwrite them. Hybrid solutions (PSO on one side of a border and commercial on the other) don't really work unless carefully regulated: the commercial part can be withdrawn at short notice (we have for example heard in the past of problems with cross-border services from Austria – Rosenbach – Jesenice). And even where there may be a prospect to obtain PSO support on each side of the border from the two relevant national/regional authorities, the criteria for award may not be compatible. Is a European standard required? Also, we recommend that cross-border PSOs should be awarded by transnational and transparent competitive tender and that those awarded should be obliged to provide open real time and static data.

As transport is an integrated system, alignment should be sought with Regulation 1008/2008 covering PSOs by air. On the whole, PSOs – and state aid in general – should be guided by the principles of market efficiency and connectivity; i.e. they should be used to support services that (i) are needed to ensure connectivity, i.e. connections that are considered of 'general interest' (ii) cannot be fulfilled by another (more environmentally friendly) transport mode (relevant especially in the case of air, where efficient railway lines are available). We therefore agree with the reminder in the revised guidelines that the PSO Regulation is also applicable to international routes and night trains, and may concern services combining different modes of transport.

It is up to public authorities to decide what the mobility needs of their citizens are. To be able to have a clear view on people's real mobility needs, there should be an obligation to consult with (organisations representing) passengers:

1. For the competent authorities when drawing up the tender/PSO specifications;
2. For the transport companies that are awarded a transport contract under this Regulation, whenever they want to change things that affect passengers.

It is important in such an exercise to also consider the needs of vulnerable groups (cf. the study on *Social aspects of the future transport system*, conducted by Steer for DG MOVE).

Kind regards,



European Passengers' Federation
[redacted]@epf.eu

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Von: MOVE-PSO-REGULATION@ec.europa.eu <MOVE-PSO-REGULATION@ec.europa.eu>

Gesendet: Donnerstag, 2. Dezember 2021 14:58

An: [redacted]@epf.eu' [redacted]@epf.eu'; [redacted]@epf.eu'
<[redacted]@epf.eu>

Cc: MOVE-PSO-REGULATION@ec.europa.eu

Betreff: Draft revised interpretative guidelines concerning Regulation 1370/2007 _ Letter to EU Associations _ EPF

Dear [redacted] dear [redacted],

Please find attached a letter for your attention, in relation to the above-mentioned subject with the reference: **Ares(2021)7430558**.

For further information, please do not hesitate to contact us to the following mailbox : MOVE-PSO-REGULATION@ec.europa.eu.

Best Regards,

MOVE PSO REGULATION



European Commission

Directorat General for Mobility and Transport
Unit A4 – Legal Issues & Enforcement
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