

(MOVE)

From: (MOVE)
Sent: jeudi 24 mars 2022 19:23
To: (MOVE)
Subject: FW: Flash report Meeting with the Mobility Committee of Régions de France on the draft revised land PSO interpretative Guidelines, 23 March 2022

From: (MOVE)
Sent: Thursday, March 24, 2022 7:23 PM
To: (MOVE) <@ec.europa.eu>; (MOVE) <@ec.europa.eu>; (MOVE) <@ec.europa.eu>; (MOVE) <@ec.europa.eu>; (MOVE) <@ec.europa.eu>; (MOVE) <@ec.europa.eu>
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Régions de France (RdF) asked MOVE A4 to meet the members of its Mobility Committee, who had a series of meetings with COM representatives on various EU policy issues that day in Brussels, to reply to comments on the draft revised and PSO interpretative Guidelines that have been out for targeted stakeholder consultation from December 2021 to February 2022.

The chair of the Committee, (MOVE) (MOVE) remarked that the COM did not send the consultation document directly to RdF. COM replied that it was up to Member States to inform all their relevant authorities of the consultation.

On substance, the (MOVE) of Ile-de-France Mobilité, (MOVE), took the floor and raised several points of criticism, in particular concerning the part of the Guidelines that deals with the way competent authorities have to specify the scope of PSO. For instance, he showed much concern about the loss of margin of manoeuvre of competent authorities and increased administrative requirements that the interpretation by the COM of the land PSO Regulation would mean for Member States. For instance, he remarked that it would not be feasible to make a demand assessment before setting PSO scope for each public service contract (PSC) to be tendered out, at least not without a massive and costly investment in consultancy input. He justified this view with the intermodality and complexity of most of the contracts in Ile-de-France region. He also questioned the pertinence of a market failure test (i.e. existence of a commercial offer on the market) in the context of urban public transport. He also contested the pertinence of the SNCM judgment for land transport.

COM replied that the draft Guidelines do not establish new requirements but inform about how jurisprudence made existing ones more explicit. In any case, most competent authorities would try to obtain an idea of passenger demand before scoping new public transport offer. COM also underlined the limited practical implications for competent authorities of a market failure test in an urban transport environment where no open access rights and hence no commercial offer exists. COM also explained that the principles of the SNCM judgment very well apply to specifying the scope of Services of General Economic Interest in all economic sectors.

Representatives of other French regions did not take the floor maybe due to a different degree of feeling concerned by the issues brought forward by Ile-de-France.

We were also informed by Ile-de-France representatives that various representative organisations in the public transport sector apparently have teamed up to issue a political communiqué to publicly protest against contentious features of the draft revised land PSO Guidelines.

We proposed and agreed with the chair of the Mobility Committee of RdF to pursue the dialogue with them and in particular with Ile-de-France on their concerns on a bilateral basis.

