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Sent: lundi 31 janvier 2022 15:26
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Subject: Stakeholder consultation on draft revised land PSO Guidelines: meeting with associations of local competent authorities in Germany on 28.1.2022

On 28.1.2022, A4 had a virtual meeting with representatives of the associations of local competent authorities in Germany (Deutscher Städtetag/Deutscher Landkreistag) as well as of the association of public transport operators (VDV).

We discussed their concerns and questions concerning the draft revised land PSO Guidelines in an open and constructive spirit. The meeting seemed to have been useful to explain and clarify certain concepts developed in our non-paper to the German associations and also to identify points of the Guidelines that could benefit of clarification.

We discussed the following issues:

- 1) **PSO scoping:** we explained the legal pertinence and the different steps of the application of the SNCM test. We identified a need to distinguish in the GL between a situation where the mode/sector is subject to open access rights and where not (applicability of 2nd and 3rd step).
- 2) **Subcontracting by an internal operator:** the German associations argued for a watering down of the COM's interpretation that subcontracting by an internal operator should be limited to avoid the occurrence of "fake" internal operators and to promote competitive awards of PSC in the first place. We did not see any reason to water down the text that existed already in the 2014 version of the GL, which includes already a lot of flexibility.
- 3) The German associations expressed concern about a perceived general preference of the COM for general rules over PSC as a means to achieve policy goals. We clarified that this is not the case; dealing with the 3rd step of the SNCM test we just used general rules as an example of a means to impose PSO in a less restrictive manner if pertinent to achieve the policy objectives. Maybe we should consider clarifying the text when addressing the role of general rules.
- 4) **On demand PT services complementing regular PT line services in late hours or in rural areas:** we might want to consider assessing whether we should not mention these useful public interest services in the PSO Guidelines.

The German associations intend to submit their observations in writing to the COM.