

Annex IX – Table summarising and comparing the answers of competent authorities

This table summarises the contributions received from the competent authorities for organising public transport services (*Organising Authority - OA*).

1. Scope

	Inclusion of waterways (1.2 of Regulation 1370/2007)	Existence of general rules (3.2 of Regulation 1370/2007) / nature	Exclusion for PSO on maximum tariffs (3.3 of Regulation 1370/2007)
AT Eastern Region of Austria (Vienna and large parts of Lower Austria and Burgenland) VOR	Not yet implemented	No (issue is in discussion)	No (issue is in discussion)
AT Federal Ministry for Transport, Innovation and Technology (BMVIT)	N/A	- The right to issue general rules to establish maximum tariffs belongs to the competent authority in its given geographical area. - BMVIT competent authority to issue general rules in public rail transport. - BMVIT has no plans to issue general rules.	No
BE Federal Public Service for Transport & Mobility	N/A - regional competence	No	No
BE Brussels Capital Region	N/A	N/A	N/A
DE Landkreis (county) Bergstraße in the federal State of Hessen	Yes, but not on a legal basis, only as an interpretation of applicable law.	Yes, one provision: within a joint tariff system, there is a maximum of 7 price levels; certain passenger groups such as retired people and pupils must be offered annual discounted tickets whereas the maximum price is tied to the price of certain other tickets.	No Note: Although compensation according to sec. 45a PBefG and sec. 6 AEG (compensation for discounted transport of persons in

			education) falls according to the federal government under article 3 para 3, such claims for compensation have been excluded by the legislator in the federal country of Hessen. The relevant resources have been transferred to the authorities entrusted with the task of public passenger transport in order to grant them to operators within the framework of PSC.
DE Rhein-Neckar-Kreis (county) in the federal State of Baden-Württemberg	Yes, but not on a legal basis, only as an interpretation of applicable law.	Yes, one provision: within a joint tariff system, there is a maximum of 7 price levels, certain passenger groups such as retired people and pupils must be offered annual discounted tickets whereas the maximum price is tied to the price of certain other tickets.	No Note: - Compensation according to sec. 45a PBefG and sec. 6 AEG (compensation for discounted transport of persons in education) falls according to the federal government under article 3 para 3. - In Baden-Württemberg, a different method compared with the one set out in the relevant provisions has been agreed upon but it has not been notified according to article 3 para 3 or integrated in general rules according to article 3 para 2.
DE Landkreis (county) Kaiserslautern in the federal State of Rheinland-Pfalz	Yes, but not on a legal basis, only as an interpretation of applicable law.	Yes, one provision: within a joint tariff system, there is a maximum of 7 price levels, certain passenger groups such as retired people and pupils must be offered annual discounted tickets whereas the maximum price is tied to the price of certain other tickets.	No Note: Compensation according to sec. 45a PBefG and sec. 6 AEG (compensation for discounted transport of persons in education) falls according to the federal government under article 3 para 3.
DE Landkreise (counties) Paderborn and Hoexter in the federal State of Nordrhein-Westfalen	N/A	No	No

DE City of Halle In the federal State of Sachsen-Anhalt	N/A	Yes, concerning tariffs in the middle-German joint transport group based on a decision of its board	No
DE City of Gelsenkirchen in the federal State of Nordrhein-Westfalen	N/A	Joint tariff	No Note: only rules for whole Germany concerning transport of people in education (sec 45 a PBefG) and disabled people (sec 145 SGB IX onwards)
DE Landkreise (counties) Goettingen (without the city), Northeim and Osterode a.H. in the federal State of Niedersachsen	N/A	No (in preparation)	N/A
DE City of Leipzig in the federal State of Saxony	N/A	No	No
DE Rhein-Sieg-Kreis (county) in the federal State of Nordrhein-Westfalen	N/A	N/A	N/A
EN Department for Transport <i>(related to the bus services in England and does not include the Devolved</i>	N/A	- The mandatory concessionary travel scheme amounts to PSO. - The scheme enables eligible older and disabled people to travel for free on off-peak local bus services. - In London, the scheme extends the free travel to the London Local Transport Network (bus services, guided transport systems, railway services, tramway services and river services).	N/A

<p><i>Administrations)</i></p>		<ul style="list-style-type: none"> - Local authorities reimburse the bus operators on the basis of the no better – no worse off – principle. - In London: bus services are franchised and Transport for London specifies fares and the level of services to be provided, and purchases services from commercial operators. - Bus services in GB outside of London are operated on a commercial basis with the exception of concessionary travel or where the Quality Contract Scheme has been introduced by a local authority; domestic legislation prevents the establishment of maximum tariffs. - The Department for Transport is consulting on whether to enable any local transport authority to impose a maximum fare that would apply to all passengers in a particular geographical area (consultation ended on 1 June 2010). - Referral to the national legislation on tariffs. 	
<p>IE National Transport Authority</p>	<p>N/A</p>	<ul style="list-style-type: none"> - Section 59 Dublin Transport Act: (pending the development and implementation of a fare scheme). Any increase in “controlled fares” in respect of the PSO shall be subject to the prior written approval of the National Transport Authority. - Controlled fares = single adult fare between any two places when purchased on the day of travel (and not the discounted fares, prepaid fares, concessionary fares or multi-journey fares). 	<ul style="list-style-type: none"> - School transport: Bus Eireann operates the school transport scheme for the Department of Education and Science, on a cost recovery basis. That part of the scheme is not the subject to state aid, nor does it constitute a public service obligation. As part of the PSC, the operators provide discounted fares for children and schoolchildren. - Free travel: Free travel scheme available for persons aged 66 years or older and who are permanently resident in Ireland or for persons under the age of 66 that satisfy certain qualifying conditions. The free travel scheme is funded in full by the Department of Social Protection on behalf of the Government. All licensed operators can participate in the scheme following an agreement with that department. - The National Transport Authority has no function in these schemes.

<p>IT Federmobilità</p>	<p>- The main principles of Regulation 1370/2007 were already in force in Italy: principle of public tendering since 1997, accompanied though with transitional periods leading to 30% of the non-railway contracts being awarded after a public tender, 50% directly to internal operators and 20% directly on the basis of the previous system applicable to the transition.</p> <p>- Legislative Decree nr. 422/1997 established that regional and local public transport services include sea, lagoon, lake and river mobility systems.</p>	<p>- The Regions have autonomously established norms regarding tariffs that specify maximum tariffs in general as well as maximum specific tariffs for special categories of citizens. Those norms provide a general condition with which the specific provisions included in each service contract must be consistent.</p> <p>- These general tariff principles are to be complied with in the relevant regional territory.</p>	<p>N/A</p>
<p>FR Groupement des Autorités Responsables des Transports (GART)</p>	<p>N/A</p>	<p>Article 7 of the law regarding national transport (LOTI) states that the fares are determined by each competent authority, which allows them to adjust the fare and social policies to the transport concerned.</p>	<p>N/A</p>
<p>LT Ministry of Transport and Communications</p>	<p>No decision taken to apply Regulation to inland waterways/national sea waters</p>	<p>No Note: Charges for carriage of passengers and luggage are regulated by the Railway Transport Code:</p> <p>- Tariffs applied for the carriage of passengers on local service routes shall be fixed by a railway undertaking (operator). - Tariff caps shall be coordinated with the State Price and Energy Control Commission. - Tariffs applied for the carriage of luggage on local service routes shall be fixed by a railway undertaking (operator).</p>	<p>No</p>

		<p>- Charges for the carriage of passengers and luggage on international service routes shall be fixed by a railway undertaking (operator) in accordance with the procedure established by international treaties of the Republic of Lithuania concerning international railway service.</p>	
<p>LV Ministry of Transport</p>	N/A	<p>- Fare Relief Regulation determines the general procedure of application of fare reliefs and amounts as well as the categories of passengers which are entitled to use public transport with fare reliefs.</p> <p>- 100% fare relief is granted to the following categories:</p> <ul style="list-style-type: none"> - pre-school-age children (under 7 years of age); - orphans; - disabled of 1st and 2nd category, disabled children and a person who accompanies a disabled person of 1st category or a disabled child (hereinafter - the disabled); - politically repressed persons and participants of the national resistance movement (exclusively within regional intercity routes). <p>- Local governments can determine fare reliefs within their administrative territories on condition that losses caused to the carrier by such fare reliefs are fully reimbursed by the particular local government budget.</p>	<p>With regard to schoolchildren and students: compensation applied for fare relief is received from local government.</p>
<p>NL Province of Gelderland</p>	No	<p>National government decides:</p> <ul style="list-style-type: none"> - yearly on maximum increase in tariffs of public transport nationwide; - on tariffs for people from 65, students from 18, children between 4 and 11, and children of less than 4 years old. <p>Note: Transport operators increasingly introduce special regional tickets (family, shop passes, off-peak tickets)</p>	N/A
<p>NL Ministry of Transport</p>	<p>Article 5 (3) - (4) of Regulation 1370/2007 applies to the PSC for passenger transport between the mainland and the islands of Vlieland,</p>	<p>- No general rules on maximum tariffs are applicable through legislation (even though the national government has the competence to enact such legislation).</p> <p>- The tariffs from the national bus and tram card are set</p>	No

	Terschelling, Ameland and Schiermonnikoog.	by ministerial regulation and the transport companies have to accept those tariffs. - The regional transport authorities can impose more favourable tariffs for certain target groups or for certain special events in the PSC and will set the tariffs after the introduction of the OV-chipcard (OV= public transport).	
NL Stadsregio Amsterdam	- The application of Regulation 1370/2007 will only be known as soon as the national legislation has been adapted - At this moment, some waterways are tendered.	A dual system currently exists: 1) The old system with ticket strips is disappearing (tariffs are determined on national level). 2) The new system of the OV-chipcard (OV= public transport) is being introduced in phases; the local authorities determine the tariffs that consist of a set tariff to get on the bus and a surcharge per kilometre.	- Reduced tariff for older people and children (national level decision). - Student card on the basis of which students can partly use the services for free, and partly with a reduced tariff. - The competent authorities take the reduced tariffs into account when deciding on the compensation for the bus operators.
PL Ministry of Transport	Yes	No general rules establishing maximum tariffs exist (only general rules determining the categories of people entitled to reduced tariffs).	N/A
RO Ministry of Transport and Infrastructure	N/A	- The calculation of maximum rates of domestic passenger tariffs for passenger rail was approved by Ministerial Order. - National passenger tariffs (ICT) set out the principles adopted in compiling the tariffs, conditions of application and level of charges in passenger transport. - Based on a proposal of rail operators for public passenger transport and minister agreement, the maximum rates set out in ICT for passenger rail can be adjusted in accordance with Government Emergency Ordinance no. 36/2001 on the system of prices and tariffs, which are determined by the opinion of the Competition Office approved by Law no. 205/2002, as amended, with the pre-approval of the Ministry of Economy and Finance, after informing the government and obtaining its agreement. - Ministry of Transport is allocating monthly compensatory amounts to operators from the state budget in order to compensate for the differences	No Note: Persons mentioned in Article 3 (3) of Regulation 1370/2007 are, according to national regulations in force, entitled to travel free of charge or receive 50% discount on train travel charges.

		between the tariffs set by public authorities and the real transport costs, plus profit share between 3% and 5%.	
SE Ministry of Enterprise, Energy and Communications	N/A	No	No
SK Ministry of Transport, Posts and Telecommunications	No inland passenger waterways transport in the Slovak Republic.	<p><u>1) Railway transport:</u></p> <ul style="list-style-type: none"> - Maximum tariffs and tariffs for certain categories of passenger are settled by the Regulatory authority. - Ministry of Transport, Posts and Telecommunications of Slovak Republic (MTPT SR), as competent authority, determines special categories of passengers that railway operators are obliged to carry for a special fare. <p><u>2) Bus transport:</u></p> <p>No</p> <p>Note:</p> <ul style="list-style-type: none"> - Self-administration region (county council) in the domestic regular bus services or the municipality (city council) in the urban regular bus services may conclude a service contract with a carrier to ensure transport services in the territory account being taken of social, environmental and regional development factors as well as specific tariff conditions to certain categories of passengers (in particular children not older than 6 years, pupils, students, pensioners and disabled persons). - PSC must include tariff conditions, in particular maximum fare, certain passenger categories and special fare for their carriage. 	No
UK - South Yorkshire Passenger Transport Executive (PTEG) <i>(response based on</i>	N/A	<p>General rules established prior to Regulation 1370/2007 but appear to be compatible with the provisions:</p> <ul style="list-style-type: none"> - Transport Act 2000: free travel for elderly and disabled passengers. 	<p>No</p> <p>Note.</p> <ul style="list-style-type: none"> - Provisions of the Transport Act 2000 for elderly and disabled passengers do meet the requirements for a general rule set

<i>bus services outside London)</i>		<ul style="list-style-type: none"> - Transport Act 1985 and 1986 Regulations: Local Transport Authorities establish concessionary fare schemes giving discounted travel to certain specified groups. - Transport Act 2008: Statutory Quality Partnership Scheme to specify maximum fares, subject to operators' right to lodge admissible objections. 	<p>down in Article 4 of Regulation 13070/2007.</p> <ul style="list-style-type: none"> - Not aware of any UK national legislator that excludes general rules from the application of Regulation 1370/2007.
UK Mersey Travel	N/A	N/A	N/A
UK Heavy rail <i>(does not include Northern Ireland)</i>	No intention to extend the ambit of Regulation 13070/2007 to inland waterways or national sea waters.	The regulation of certain rail fares is provided for through the contractual mechanism of the franchise agreement rather than by the issue of general rules.	The regulation of certain rail fares is provided for through the contractual mechanism of the franchise agreement rather than by the issue of general rules.

2. PSO

	Definition	Reward to discharge PSO
AT VOR	<ul style="list-style-type: none"> - Concrete routes (defined in the individual tendering documents). - Obligation to continuous operation. - Obligation to ensure transport without distinction between passengers and on non-discriminatory terms. 	Financial compensation (market-based due to the tendering procedures).
AT BMVIT	<ul style="list-style-type: none"> - Maintenance of operation of rail public passenger transport services in the general interest that an operator, if it were considering its own commercial interests, would not assume or would not assume to the same extent or under the same conditions without reward. - Detailed service description in the PSC. 	<ul style="list-style-type: none"> - No exclusive rights. - Financial compensation based on the PSC, including compensation of net costs for particular tracks.
BE Federal Public Service for	<p>(Functionally) defined in the management contract between the state and SNCB/NMBS (2008 - 2012):</p> <ul style="list-style-type: none"> - The train supply: minimum train kilometres, mandatory hours, 	<ul style="list-style-type: none"> - Compensation - Legal monopoly.

Transport & Mobility	<p>mandatory stops, mandatory connections, etc.</p> <ul style="list-style-type: none"> - Tariff obligations: tariff reductions for certain categories, the annual increase in the tariffs of distance and school cards depends on a formula in the PSC. - Target of growth in the amount of passengers. 	
BE Brussels Capital Region	(Functionally) defined in a governmentally approved RFP (" <i>Cahier des charges de la STIB</i> ") and in the management contract.	<ul style="list-style-type: none"> - Compensation - Legal monopoly.
DE Landkreis (county) Bergstraße in the federal State of Hessen	Contracts should be considered as service concessions because they grant net cost contracts (operator bears the revenue risk).	<ul style="list-style-type: none"> - A yearly payable fixed compensation based on income generated by tickets and costs is granted. - Exclusive right for a line bundle.
DE Rhein-Neckar-Kreis (county) in the federal State of Baden-Württemberg	Contracts should be considered as service concessions because they grant net cost contracts (operator bears the revenue risk).	<ul style="list-style-type: none"> - In general an exclusive right for a line bundle is granted. - A yearly payable fixed compensation based on income generated by tickets and costs is granted.
DE Landkreis (county) Kaiserslautern in the federal State Rheinland-Pfalz	Contracts should be considered as service concessions because in future they intend to grant net cost contracts.	<ul style="list-style-type: none"> - In general an exclusive right for a line bundle is granted. - A yearly payable fixed compensation based on income generated by tickets and costs is granted.
DE Landkreise (counties) Paderborn and Hoexter in the federal State of Nordrhein-Westfalen	No direct answer; obligations imposed in PSC concern additional transport supplies, performance of services and equipment of buses.	Financial compensation

<p>DE City of Halle in the federal State Sachsen-Anhalt</p>	<p>No direct answer; PSO are the operation of the service, existence and maintenance of vehicle fleet, management of the transport network, existence and maintenance of infrastructure, application of the tariff of the joint transport group, quality standards and close-range passenger transport schedule.</p>	<p>- For operational costs and infrastructure costs, a yearly compensation payment (for operational costs this is calculated with reference to total revenues and costs minus other subsidies; revenues are ticket sales, additional higher payments for transports, tariff surrogates, income from special transports and positive balances from other businesses). - For infrastructure costs, the yearly compensation is granted for line facilities, operation facilities and maintenance buildings for buses and trams.</p>
<p>DE City of Gelsenkirchen in the federal State of Nordrhein-Westfalen</p>	<p>- No direct answer. - According to VRR (Verkehrsverbund Rhein-Ruhr = regional joint transport group) guidelines: every obligation which a transport undertaking would not perform or perform under the same conditions in its own commercial interest.</p>	<p>Financial compensation</p>
<p>DE Landkreise (counties) Goettingen (without the city), Northeim and Osterode a.H. in the federal State of Niedersachsen</p>	<p>- No direct answer. - Joint tariff and frequencies mentioned in context.</p>	<p>- Financial compensation planned. - Exclusive right for the line transport of pupils in discussion.</p>
<p>DE City of Leipzig in the federal State of Saxony</p>	<p>N/A</p>	<p>N/A</p>
<p>DE Rhein-Sieg-Kreis (county) in the federal State of Nordrhein-Westfalen</p>	<p>N/A</p>	<p>Financial compensation</p>
<p>EN Department of</p>	<p>- Not yet attempted to define PSO as set out in Regulation 1370/2007.</p>	<p>- Local authorities reimburse bus operators on the basis of the no-better-no-worse-off principle (appeal to the Secretary of State</p>

<p>Transport (related to the bus services in England and does not include the Devolved Administrations)</p>	<p>-- The Department for Transport considers that the mandatory travel scheme amounts to PSO as defined in Regulation 1370/2007.</p>	<p>on the amount of reimbursement is possible) - The Department for Transport provides guidance on how to calculate reimbursement payments.</p>
<p>IE National Transport Authority</p>	<p>PSO = the design, management and operation of an integrated network of services where a common standard of vehicle, information, fares and quality applies. The network is composed of a variety of types of routes, which are designed to support the local market while at the same time fulfilling overall network objectives and the national transport policy.</p>	<p>Compensation (must be made in accordance with the Annex of Regulation 1370/2007) / Grants towards the cost of buses (or rolling stock) and public transport infrastructure / 10% of the amount of the compensation will depend on the meeting of the performance targets set out in the PSC.</p>
<p>IT Federmobilità</p>	<p>- Main PSO are: a) The observance of a pre-established services timetable. b) The observance of routes, stops and pre-established time schedules. c) The observance of providing a universal service to everyone. d) The obligation to comply with the tariff limits.</p> <p>- In many cases, other obligations are added, such as: a) The obligation to comply with the services quality minimum requirements. b) The obligation to participate in integrated tariff systems. c) The obligation to participate in integrated systems to communicate information to the citizens.</p> <p>The scope of the PSO depends on the willingness of the OAs to guarantee to most citizens the exercise of their right to mobility, through public transport services.</p>	<ul style="list-style-type: none"> - Exclusive rights for public services concerning one or more public transport modalities in a specific geographical area. - Compensation on an annual basis in proportion to the annual quality of the services provided by the operator.
<p>FR GART</p>	<p>- LOTI: A right for transport that allows users to use that transport according to reasonable standards of accessibility, quality, price, etc. - The PSO will depend on the definition of the competent authority concerned.</p>	<p>Compensation</p>

LT Ministry of Transport and Communications	Before Regulation 1370/2007, PSO defined by law: - Continuity, regularity and appropriate scope of the supply of transport services. - To carry. - To adhere to established tariffs approved by the state or local authorities. With Regulation 1370/2007, reference to the definition contained in Regulation 1370/2007.	<ul style="list-style-type: none"> - Compensation paid under contract for use of state budget allocations. - Since Regulation 1370/2007, legal acts regulating PSO are being amended to ensure the discharge of PSO under PSC complying with the provisions of the Regulation.
LV Ministry of Transport	N/A	Compensation (losses caused to the carrier for providing public transport services within routes of a route network are reimbursed by the state and local government budgets in accordance with the procedure and in an amount set out in Regulation 1370/2007: <ul style="list-style-type: none"> - Expenses necessary for execution of the public transport service order contract in an amount exceeding the revenue received. - Expenses incurring when applying tariffs set out by the claiming party. - Expenses incurring in cases when the claiming party has determined fare relief for certain categories of passengers. - Expenses incurring to the carrier because of minimum quality requirements which are set out by the claiming party or on the basis of legal acts and are introduced after having started providing public transport service on condition that these expenses exceed the ones necessary for meeting previously defined quality requirements).
NL Province of Gelderland	- (Functionally) defined in the tender documents. - Tariff obligations for certain categories of people. - In NL, the strategic decisions are the responsibility of the OA whereas operational decisions are the responsibility of the operator. As regards tactical decisions, the situation is less clear-cut. The operator often fails to state the forecast services which would be offered in the mid-term to accomplish the strategic decisions. Then OA often take the lead. This is why it is currently being considered in NL whether to create a Public Transport Association (similar to the Verkehrsverbund in DE).	<ul style="list-style-type: none"> - Concession with an exclusive right in a certain area. - Yearly subsidy. - Revenue is the responsibility of the operator which makes an estimate. - The subsidy corresponds to the amount estimated in the tender which is the bottom line of revenue. - Gross cost contracts.

NL Ministry of Transport	<ul style="list-style-type: none"> - The concessions for transport can be regarded as PSO if they meet the criteria of Article 2 (1) of Regulation 1370/2007. - Those concessions are defined as <i>“the right to provide public transport with the exclusion of others in a defined territory during a certain timeframe”</i>. 	N/A
NL Stadsregio Amsterdam	<ul style="list-style-type: none"> - Accessibility: provision of a network of services to the extent that every resident has access to the services within a certain distance of his place of residence. - Accessibility: requirements with regard to the technical specifications of rolling stock. - Sustainability: environmental requirements with regard to the technical specifications of rolling stock. 	<ul style="list-style-type: none"> - NL is divided into geographical areas, in each of which a bus operator has exclusive rights to provide public transport services following a competitive tendering process. - The bus operators get compensation since the ticket fares only cover half of the costs of providing the services. - 3 concessions are still awarded directly (Amsterdam, Rotterdam and The Hague).
PL Ministry of Transport	<p>Not clearly defined in statutory acts but this is being changed with the draft of a new legislation: <i>“Carriage that is of a public service nature is a widely available service within the framework of collective public transport provided by an operator for the purpose of meeting the timely and uninterrupted transport needs of the public in a given geographical area which, were there no compensation for such service, the operator of public mass transit operator would not otherwise undertake, or would not undertake to the same extent or under the same conditions in view of its own economic interests”</i>.</p>	<p><u>Current legislation:</u></p> <ul style="list-style-type: none"> - Compensation for statutory reduced tariffs by the state / for urban transport by the local authorities. - Compensation under contracts pursuant to article 93 TFUE, Regulation 1191/69 and <i>Altmark</i>. <p><u>Draft legislation:</u></p> <ul style="list-style-type: none"> - Compensation under contracts in all cases in accordance with the Annex to Regulation 1370/2007 (even when the contract has been awarded after a public tender). - Prohibition to grant exclusive rights.
RO Ministry of Transport and Infrastructure of Romania	<ul style="list-style-type: none"> - Not answered. - For the public services the rail operators receive from the state budget or local budgets of an amount which compensates for the real costs and plus a profit share of between 3 and 5%. 	<p>In accordance with Government Decision 1668/2008, the Ministry of Transport is allocating monthly compensatory amounts to operators from the state budget in order to compensate for the real costs plus a profit share of between 3 and 5%.</p>
SE Ministry of Enterprise, Energy and Communications	<ul style="list-style-type: none"> - In contracts until 1/1/2012 / as of 1/1/2012 separate decision by a competent authority. - Normally PSO pertain to frequency, punctuality, stop-overs, mandatory participation in common planning and ticketing schemes and certain measures with regard to the availability for disabled persons. - Long-distance services should primarily be provided on a commercial basis. Owing to this principle, national competent 	<ul style="list-style-type: none"> - Compensation. - For local and regional services, competent local authorities generally close gross cost contracts where compensation equals the costs incurred in relation to the PSO. - For long-distance services, contracts are generally net cost contracts.

	<p>authorities act only insofar as is needed to safeguard a minimum standard while retaining as many commercial incentives as possible with the public service operator. PSC on national level therefore often take the form of service concessions.</p>	
<p>SK Ministry of Transport, Posts and Telecommunications</p>	<p><u>1) Railway transport</u> Execution of transport services that a railway operator, in terms of its commercial interest, mainly for lack of economic viability, would not provide in the required volume or quality or would not provide for regulated fares, but are necessary in light of ensuring that transport services cover the territory.</p> <p><u>2) Bus transport</u> PSO defined by law: Carrier shall be obliged to:</p> <ol style="list-style-type: none"> a) Carry out regular bus services in compliance with the transport licence and the PSC over the entire period of validity thereof. b) Carry out carriage of passengers subject to tariff rates and issue tickets to passengers who paid the fare. 	<p><u>1) Railway transport</u> Compensation (financial parameters of PSO contract - costs and revenues - are determined in advance according to the calculating scheme and every month an advance payment to the operator is made in order to perform PSC).</p> <p><u>2) Bus transport</u> The type of reward offered by transport authorities depends on the PSC.</p>
<p>UK - South Yorkshire Passenger Transport Executive (PTEG) <i>(response based on bus services outside London)</i></p>	<p>PSO precisely defined in PSC in the UK:</p> <ul style="list-style-type: none"> - Specific service levels (timetabled operation), vehicle quality and a defined level of compensation. - Tariff obligations depend on the nature of the service e.g. whether it is an enhancement of an existing commercial service or a stand-alone operation/service. 	<ul style="list-style-type: none"> - Generally contained in PSC where the discharge of the obligation is a prerequisite to payment of compensation. - No exclusive operating rights. - Compensation is through financial payments to cover operating costs and profit margins. - Revenue risk can be taken either by the Local Transport Authority or the operator.
<p>UK Mersey Travel</p>	N/A	N/A
<p>UK Heavy rail <i>(does not include Northern Ireland)</i></p>	<ul style="list-style-type: none"> - The Secretary of State specifies the PSO when tendering for a rail franchise, which then are incorporated into the rail franchise agreement as the service level commitment (SLC). - During the tendering process, the potential train operating companies (TOCs) propose their target revenue, their expected amount of subsidies and a premium they are willing 	<ul style="list-style-type: none"> - The franchise agreements contain revenue share and support mechanisms in cases of excess or shortfall of passenger revenue, and this to share risk and render it saleable to the TOCs and achieve value for money for the taxpayer. - Since the PSO are contractualised in the franchise

	to pay to the Department for Transport. The latter will assess those proposals.	agreement, the non-delivery will constitute a breach of that agreement and is sanctioned under both the agreement and the UK statute.
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3. PSC

	Scope	Basic features
AT VOR	<ul style="list-style-type: none"> - Particular routes. - Entire regions. 	<ul style="list-style-type: none"> - Description of the services to be provided by the successful operator: area, scope (km/year), duration, schedule, parameters for price calculation. - Applicable tariff, clearing modalities, technical requirements on vehicles and personnel, liability clauses (including penalties for breach of contract), quality criteria, control mechanism, rules on pre-term termination of the contract, changes in the scope of the services to be provided by the operator, rules on the condition of the vehicles used by the operator to fulfil his contractual obligations.
AT (BMVIT)	<ul style="list-style-type: none"> - Whole network that contains defined routes or bundles of route. - Covers national services. 	<ul style="list-style-type: none"> - Explicit definition of PSO and geographical scope (description via complete schedule and rolling stock provided). - Calculation parameters for <i>ex ante</i> audit of provisional financial compensation considering Article 4 (1) (c) of Regulation (EC) 1370/2007. - Revenues allocation rules. - Duration. - Quality standards. - Quality control. - Frequency. - Changes in the case of exceptional circumstances, except rail replacement bus services, are not considered in advance and are subject to renegotiations in that case.
BE Federal Public Service for Transport & Mobility	<ul style="list-style-type: none"> - Network. - Domestic and cross-border. 	<p>On the basis of article 3 of the Act on the reform of certain economic public companies, the management contract contains:</p> <ul style="list-style-type: none"> - the tasks of public service; - the tariff principles of public service; - the rules of conduct towards the passengers in a public service; - the amount, calculation and payment modalities of any compensation by the state for discharging the public service;

		<ul style="list-style-type: none"> - the amount, calculation and payment modalities of any indemnity by SNCB/NMBS to the state concerning advantages related to exclusive rights and possibly rights of usage conceded by the state to SNCB/NMBS; - if applicable, matters of strategic economic interest for which the tendering process is subject to the approval of the Minister; - if applicable, the objectives relating to the financial structure; - if applicable, the rules relating to the distribution of the net profit; - the elements of the company's business plan; - if applicable, the amount above which real estate transactions require prior approval of the Minister. <p>There might not be any defeasance clause, even where the other party does not realise its obligations.</p>
BE Brussels Capital Region	Whole local network	Mandatory content: <ul style="list-style-type: none"> - Common objectives for PT (Region + Operator). - Way to change, extend, the network. - Investments plan. - Calendar of investments. - Bonus-malus system regarding the objectives in terms of production of KM and of quality. - Enterprise plan (operational plan to fulfil the managing contract). - Revision of terms of the contract. <p>The service is fixed by mode (underground, streetcar and bus) expressed in vehicle –km + rate of yearly increase.</p>
DE Landkreis (county) Bergstraße in the federal State of Hessen	Line bundle concerning regional and local transport	<ul style="list-style-type: none"> - Joint tariff is mandatory. - Frequency and line stations are fixed in the schedule (exemptions for weekend and evenings). - Reserve schedules for blocked roads need to be planned and executed. - Vehicle standards (free of barriers, possibilities for wheelchairs and baby buggies). - Distribution, management of complaints and passenger information. - Quality management and improvement measures (analysis and improvement of the schedule). - Compensation cuts for transport breakdowns and quality problems.
DE Rhein-Neckar-Kreis (county) in the	Line bundle concerning regional and local transport	<ul style="list-style-type: none"> - Joint tariff is mandatory. - Frequency and line stations are fixed in the schedule (exemptions for weekend and evenings).

federal State of Baden-Württemberg		<ul style="list-style-type: none"> - Reserve schedules for blocked roads need to be planned and executed - Vehicle standards (free of barriers, possibilities for wheelchairs and baby buggies). - Distribution, management of complaints and passenger information. - Quality management and improvement measures (analysis and improvement of the schedule). - Compensation cuts for transport breakdowns and quality problems.
DE Landkreis (county) Kaiserslautern in the federal State Rheinland-Pfalz	Line bundle concerning regional and local transport	<ul style="list-style-type: none"> - Joint tariff is mandatory. - Frequency and line stations are fixed in the schedule (exemptions for weekend and evenings). - Reserve schedules for blocked roads need to be planned and executed. - Vehicle standards (free of barriers, possibilities for wheelchairs and baby buggies). - Distribution, management of complaints and passenger information. - Quality management and improvement measures (analysis and improvement of the schedule). - Compensation cuts for transport breakdowns and quality problems.
DE Landkreise (counties) Paderborn and Hoexter in the federal State of Nordrhein-Westfalen	<ul style="list-style-type: none"> - With reference to certain lines (additional transport supplies and/or capacities). - Without reference to certain lines (service performance and equipment of buses). 	<ul style="list-style-type: none"> - Requirements for additional transport supplies. - Service performance and equipment of buses. - Quality features. - Marketing in line with the joint transport group.
DE City of Halle in the federal State Sachsen-Anhalt	Based on the licence according to the PBefG; one line bundle for trams and 5 line bundles for buses in the area of the city of Halle.	<ul style="list-style-type: none"> - The PSO (see answer on definition). - The scope (see left). - Quality of performance (minimum standards for development and availability of stations, quality of transport, quality of service, quality of connections, security of connections within a chain of lines, flow of operation, state of vehicles and stations, connections with other means of transport, information and marketing, satisfaction of customers). - Additional clauses (changes due to holidays and season are allowed, short-term changes to meet different demand are within the responsibility of the operator but shall not in principle differ from the main schedule and standards, for changes exceeding +/- 6% in comparison with the original offer, the authority's consent is necessary).

DE City of Gelsenkirchen in the federal State of Nordrhein-Westfalen	Close-range public passenger transport in the city of Gelsenkirchen	<ul style="list-style-type: none"> - Lines - Operation times - Frequency - Quality standards - Changes possible according to public interest or unforeseen events.
DE Landkreise (counties) Goettingen (without the city), Northeim and Osterode a.H. in the federal State of Niedersachsen	Line bundle planned	In preparation
DE City of Leipzig in the federal State of Saxony	N/A	N/A
DE Rhein-Sieg-Kreis (county) in the federal State of Nordrhein-Westfalen	Single lines (national offer)	<ul style="list-style-type: none"> - Requirements according to granted concession. - Obligatory standards according to joint transport group. - For market-oriented direct awards, additional quality standards are applicable.
EN Department for Transport <i>(related to the bus services in England and does not include the Devolved Administrations)</i>	<ul style="list-style-type: none"> - Quality contract scheme: the local transport authorities determine what local bus services should be provided in their area and if there need to be any additional facilities or services. - Contracts in the scheme: quality contracts between the local transport authority and the operator can include the provisions of a subsidy; the contracts are entered into following a competitive tendering process; the scope goes from an individual route to a whole network. - Tender processes are also organised for entire individual routes or for extensions of existing routes, 	<ul style="list-style-type: none"> - A Quality Contract Scheme can only be introduced when the “public interest test” criteria have been met and its features will depend on its specification (there are no Quality Contract Schemes in existence yet). - Individual contracts can be no longer than 10 years.

	when not provided for commercially.	
IE National Transport Authority	The PSC with Dublin Bus, Bus Eireann and Irish Rail are for the provision of a network of public bus services/rail passenger services (as appropriate).	All three of the contracts: Definitions and interpretations / Grant / The PSO Changes to services / Compensation / Performance obligations (see Schedule B) / Right to review, alter and amend the contract / Step-in-rights / Duration / Inspection and enforcement / Reporting requirements / Subcontracting / Operation of auxiliary departures / fares / audit provisions / severance / duties of the board of the operator / force majeure / Indemnity / Waivers and alternative remedies / Notices and service / Entire agreement / Good faith / Confidentiality / Non-assignability / Execution / Governing law and jurisdiction
IT Federmobilità	Subject to PSC: all public transport services concerning one or more public transport modalities in a specific geographical area.	The essential contents of PSC (defined by Italian Legislative Decree 422/1997 (art. 19 c. 3)): <ul style="list-style-type: none"> - The period of validity. - The characteristics of the offered services and operation programme. - The minimum quality standard of the services, in terms of age, maintenance, comfort and cleanness of vehicles and of the trips' regularity. - The adopted tariff structure. - The compensation due by the OA to the operator for the services subject to the Service Contract as well as the payment conditions and the possible adjustments caused by changes in the tariff structure. - The modalities regarding modifications of the Service Contracts further to their signature. - The guarantees to be given by the operator. - The penalties in case of failure to in observe the contract provisions. - The re-defining of the relations, with reference to the operator's employees and to the invested capital, in case of strong discontinuity regarding the quantity of the services provided during the validity period of the Service Contract. - The obligation to apply the relevant labour contracts, signed by the more representative national unions and by the entrepreneurial categories associations.
FR GART	Urban level: all the lines in the territory of a certain city or in the territory over which the competent authority concerned has its competence. That	- General clauses (Object / Duration / Rights and obligations of the parties / geographical area covered). - Clauses concerning subcontracting (only partial subcontracting allowed).

	territory can be expanded outside those borders (as an exception).	<ul style="list-style-type: none"> - Clauses regarding the control of the provided services (on the performance, quality, maintenance of assets, etc.). - Social clauses (e.g. on the transfer of personnel). - Clauses on the distribution of risks between the parties (revenue and cost risks).
LT Ministry of Transport and Communications	<p>1) <u>Before Regulation 1370/2007</u>, provisions of contracts were applied to a whole network and only to national services.</p> <p>2) <u>Since Regulation 1370/2007</u>, legal acts regulating railway transport activities are being amended:</p> <ul style="list-style-type: none"> - Possibility for the competent authority to choose particular services to be provided under PSO. - The competent authority, in accordance with criteria established, will define services (routes) where passenger transportation will be discharged under PSO contracts. 	<p>Article 4 of Regulation 1370/2007 applies.</p> <p>In general, PSO contract will include:</p> <ul style="list-style-type: none"> - Rights and obligations of competent authority and carrier. - Compensation procedures. - Force majeure circumstances. - Description of quality requirements in line with Regulation 1370/2007. - Services to be provided under contract.
LV Ministry of Transport	<ul style="list-style-type: none"> - A route network - A separate route - A separate trip. 	<ul style="list-style-type: none"> - Provisions for the sale of tickets. - Provisions regarding the provision of information on public transport services. - Provisions regarding the use of line structures or infrastructure. - Provisions regarding changes to a route network (a route). - Procedures for the review of proposals, submissions and complaints of persons. - Procedures for the provision of information regarding the received proposals, submissions and complaints of passengers to the ordering party and the review thereof. - Provisions regarding the control of the fulfilment of a contract. - Other provisions arising from the provision of public transport services within a route network (a route) and mutual obligations of the parties.
NL Province of Gelderland	<ul style="list-style-type: none"> - Routes - Networks - Not for national or international services. 	<ul style="list-style-type: none"> - Province defines functionally the obligations. - The operator has to make an offer ready for operation.
NL Ministry of Transport	The concession for transport concerns a defined territory that can vary from a particular route to a whole territory.	<p>The transport concession should at least contain provisions on:</p> <ul style="list-style-type: none"> - subjects on which consumer organisations have the right to give advice (at least transport timetable communication on changes in the timetable, and

		<p>tariffs);the possibility for discussions before consumer organisations provide their advice on subjects they are consulted upon;</p> <ul style="list-style-type: none"> - the obligation to allow a certain time frame for the consultation; - justification why (parts of) the advice has not been followed; - an information/transparency requirement for the transport company; - tariffs more favourable than the national bus and tram card, transport conditions and the ticket models; - annual financial report on the concession (separated from other activities); - changes, publication, date of entry and duration of the timetable; - requirements with regard to accessibility for PRMs; - requirements with regard to safety; - punctuality; - seat guarantees; - level of services on stations and in trains.
<p>NL Stadsregio Amsterdam</p>	<p>Each concession concerns a network (the terms of the concession can vary).</p>	<p>Content of the PSC:</p> <ul style="list-style-type: none"> - Definitions. - Area of concession. - Start and period of the concession. - Obligations of the concessionaire: <ul style="list-style-type: none"> o General Obligations: Requirements/ Specific tasks/ General: Public transport/ Transport plan/ Timetables/ Numbering of the service lines. o Quality of the services to be provided: obligation to carry and capacity/ Interruption of the services and punctuality/ Guaranteed connections/ Terms on compensation/ Quality plan/ System to manage the safety and the plan to combat emergencies and terrorism. o Rolling stock: General requirements/ Life span of the buses and the cars/ Appearance of the rolling stock/ Comfort/ Accessibility/ Availability of the rolling stock/ Plan for the rolling stock/ Sustainability. - Personnel: Requirements/ Performance plan/ Guards on the streetcars. - Infrastructure: Available infrastructure/ Temporary adjustments in the available infrastructure/ Available stops. - Marketing. - Social security. - OV-chipcard: OV-chipcard system/ OV-chipcard and special tickets/ Tariffs/ Distribution.

		<ul style="list-style-type: none"> - Travel information: General requirements/ Written travel information/ Travel information on the internet/ Information in and on the rolling stock/ Information at stops/ Information and sales counters/ Information on changes of the timetable/ Travel information plan. - Account to the competent authorities: Financial justification/ (The public nature of) Information. - Relationship concessionaire – consumers. - General provisions: Communication/ Special circumstances/ Interim alteration of the contract/ Awarding/ Termination/ Transfer of the contract/ Extension of the contract.
<p>PL Ministry of Transport</p>	<p><u>Draft legislation:</u></p> <ul style="list-style-type: none"> - Route - Several routes - Network. 	<p><u>Draft legislation:</u></p> <ul style="list-style-type: none"> - A description of the services resulting from the contract. - A transport route, several routes or a network covered by the contract. - The duration of the contract. - Conditions pertaining to quality standards as well as for raising the quality of the services rendered within the framework of collective public transport. - The requirements with respect to modes of transport, inclusive of those pertaining to the implementation of new technological solutions, as well as their adaptation to the needs of disabled persons, as well as for persons with impaired mobility. - Conditions of changing the tariffs for carriage as well as the other tariffs referred to in the Act of 15 November 1984 – the Transport Law, for services provided within the framework of collective public transport, where the contracting party which benefits from the proceeds of the tariffs is the operator. - The conditions under which subcontracting of the performance of the services provided within the framework of collective public transport is permissible. - The method used by the operator for investigating complaints and claims submitted by the passengers as well as for awarding possible damages resulting from the performance of services provided within the scope of collective public transport. - The time period for submitting reports on the performance of the services within the framework of collective public transport, inclusive of information pertaining to the number of passengers on a given transport route. - Accounting principles, in particular the principles for the allocation of costs for the services provided within the framework of collective public transport, with allowance for application of the statutory reduced tariffs by the operator

		<p>as well as reduced tariffs established for a geographical area falling within the competence of the given organiser.</p> <ul style="list-style-type: none"> - Applicable accounting principles for the provision of services within the framework of collective public transport in the event of a force majeure beyond the control of the operator which precludes the performance of such services. - The contracting party which benefits from the tariffs referred to in question 7. - Description of the ticket distribution system. - The parameters pursuant to which compensation is calculated in those cases where it is granted. - Conditions for making use of the organiser's transport modes where they are made available to the operator. - Conditions for use of the modes of transport depending upon the volume of passenger traffic. - Conditions for the operator's purchase of modes of road transport that are essential for the performance of the services within the framework of collective public transport. - The principles for cooperation and updating of schedules for the purpose of improving transport. - Contractual penalties. - Conditions for amending and for termination of a contract.
RO Ministry of Transport and Infrastructure	N/A	<ul style="list-style-type: none"> - Object of the contract and specific obligations of the parties. - Indicators of quantity and quality of rail passenger activity. - List of passenger trains included in the minimum social package. - The main priority development programmes, modernisation and investment. - The main items of expenditure necessary to ensure minimum social package. - The modernisation and procurement of rolling stock. - Liability, force majeure etc.
SE Ministry of Enterprise, Energy and Communications	On national level PSC are generally limited to particular routes adding to the commercial supply of long-distance services.	PSC can take many different shapes and therefore no single model contract can be described.
SK Ministry of	<u>1) Railway transport</u> The whole railway network in the Slovak Republic.	<u>1) Railway transport</u> Mandatory content:

<p>Transport, Posts and Telecommunications</p>	<p><u>2) Bus transport</u> - Act of the National Council of the Slovak Republic of 17 May 1996 on the road transport defines transport servicing and the transport servicing plan. - Regular bus services necessary for satisfying the transport needs of inhabitants living in the territory of self-administration region or municipality. - Interest of the self-administration region in domestic regular bus services excluding the long-distance bus service, or the interest of the municipality in urban bus services, aimed at the transport servicing assurance. - Plan on the basis of existing or foreseen settlement structure and expected traffic flows. - Self-administration region (county council) in the domestic regular bus services or the municipality (city council) in the urban regular bus services may conclude PSC to ensure transport services in the territory transport account being taken of social, environmental and regional development factors as well as to offer specific tariff conditions to certain categories of passengers, in particular children not older than 6 years, pupils, students, pensioners and disabled persons.</p>	<ul style="list-style-type: none"> - Identification of operator and competent authority. - Subject and scope of the contract. - Definition of services. - Tariff conditions according to act of regulatory authority. - Subcontracting. - Designation of cost and revenues. - Compensation. - Control mechanism. - Duration of contract. - Appendices (quantifications of performances, costs and revenues, compensation, qualitative indicators and sanctions). <p><u>2) Bus transport</u></p> <ul style="list-style-type: none"> - General elements and elements pursuant to Regulation 1370/2007. - Definition of a carrier obligation (scope and timetable). - Bus line or the bus lines groups. - Definition of sub-delivery conditions, possible subcontractors in the public interests and their particular proportion. - Tariff conditions. - Requirements for the assurance of passenger transport quality including requirements for design, equipment and age of means of transport. - Timetable of a compensation for public services. - Check on an obligation fulfilment, the method of incurred costs and obtained revenues proving. - Remedies and sanctions for the obligation default. - Date of a contract expiration.
<p>UK - South Yorkshire Passenger Transport Executive (PTEG) <i>(response based on bus services outside London)</i></p>	<p>Generally route based but can also be network based.</p>	<p>N/A</p>
<p>UK</p>	<p>- PSC cover gaps in service not covered by</p>	<p>- Standard conditions of contract apply to all bus service contracts.</p>

Mersey Travel	commercial operators. - Can be whole or part routes, whole or part timetables.	- Tender documents will specify routes, timetables, minimum capacity, fares and quality features.
UK Heavy rail <i>(does not include Northern Ireland)</i>	<ul style="list-style-type: none"> - The majority of the public passenger services by heavy rail in England, Scotland and Wales are under franchise agreements issued by the Secretary of State. - Currently there are 16 franchises (operate on either particular routes or operate particular service groups) - The National Assembly of Wales and the Scottish Executive are two of the appropriate franchising authorities, both of which operate some services across regional borders, and share lines with other franchisers. 	<ul style="list-style-type: none"> - Content of the rail franchises varies (issued over a long period/ contracting approach varies). - Since 2004, the following matters are generally included: <ul style="list-style-type: none"> o Train service requirements (station stops, frequencies, timing constraints and first/last trains). o Fares regulation for defined fares. o Targets on service reliability linked to a break point in the contract. o Financial reporting requirements and requirement to hold a minimum level of capital. o Various obligations to invest or improve specified rolling stock or infrastructure.

4. Compensation

	Overcompensation	Calculation net financial effect	Cross-subsidisation	Unforeseen events affecting economic equilibrium	Management and quality
AT VOR	Competitive tenders to ensure services in line with market conditions (clear definition of parameters such as km/day, number of days; these parameters act as a basis for cost calculation)	N/A (note that Article 6 para 1 cases are not of relevance for them)	In discussion (but unlikely that services can be solely financed by their revenue)	Adjustment of contracts or termination if this is impossible	<ul style="list-style-type: none"> - Gross contract. - Compensation will be retained if services are not as they should be. - Monitoring of services. - Fines if quality criteria are not fulfilled.
AT (BMVIT)	- An ex-post audit pursuant to	- The (ex ante) amount of	- Direct costs are definable.	Currently not	- The risk of loss of

	<p>the provisions laid down in the Annex to Regulation (EC) 1370/2007 should avoid overcompensation.</p> <ul style="list-style-type: none"> - Overcompensated services caused by target/actual variations will be balanced. - PSC will be formulated as net cost contracts with the risk of loss of revenues in the scope of the public service operator. 	<p>financial compensation is based on a bottom-up (cost) model referring to current services (and revenues).</p> <ul style="list-style-type: none"> - In order to calculate the net financial effect, revenues and network effects are considered. 	<ul style="list-style-type: none"> - Revenues can be allocated to certain services by a specific model. - In order to verify this model, frequent censuses of passengers take place. - In the case of undercompensation, both contracting parties will have a limited (extraordinary) right to cancel the undercompensated part. 	considered	<p>revenues will be in the scope of the public service operator.</p> <ul style="list-style-type: none"> - Predefined partial services can be called for tenders. - Restrictive compensation rules in case of insufficiencies. - Bonus malus system.
<p>BE Federal Public Service for Transport & Mobility</p>	<ul style="list-style-type: none"> - Separation of accounts (PSO-sector, commercial passengers, goods). - Audit by legally entrusted bodies. 	<ul style="list-style-type: none"> - Separation of accounts (PSO-sector, commercial passengers, goods). - Audit by legally entrusted bodies. 	<ul style="list-style-type: none"> - Separation of accounts (PSO-sector, commercial passengers, goods). - Audit by legally entrusted bodies. 	Determination of the reasons why the contractual obligations could not be realised and definition by the SNCB/NMBS and the state of the measures to be adopted.	The current public service contract of NMBS provides targets and indicators for the quality.
<p>BE Brussels Capital Region</p>	<p>As owner of the operator (100%), the Region gets overcompensation back (ex post regularisation); at the same time, if the compensation is not high enough, the Region has to compensate more</p>	<ul style="list-style-type: none"> - Basis subsidy: calculated from those of 2007= D - From 2008 = "$D_{t-1} * \frac{1}{3} + (1+I_t) * \frac{(1+R_{t-2})}{(1+T_{t-2})} + \frac{2}{3} * D_{t-1} * (1.01+G_{t-1})$" - Where I is the price index (fixed on national level; the wages depend on these index) - R: evolution of revenues (fares + other) = bonus 	Separate accounting controlled by special representatives of the Region	Gross cost contract	<ul style="list-style-type: none"> - Bonus-malus system as regards the fulfilment of quality standards, production of KM and clients satisfaction. - No incentive for gains in productivity.

		<ul style="list-style-type: none"> - T = evolution of the fares - G= annual evolution of index from April - Correction factor for decrease or increase of commercial speed - Negative correction factor to increase productivity - Subsidy for investments - Complementary subsidy to increase security, to increase vehicle-km and for special measures if pollution needs alternative transport - No reasonable profit provided 			
<p>DE Landkreis (county) Bergstraße in the federal State of Hessen</p>	<ul style="list-style-type: none"> - Tenders under competitive conditions avoid overcompensation. - For direct awards, according to article 5 para 4, concerning small line bundles, the compensation will be compared with line bundles which have been granted under competitive conditions, compensation will only be accepted if it is not above market price. - For maximum-price tickets, the maximum compensation is the price difference from normal tickets. 	<p>Only party answered: (discounted tickets for people in education; 10% are not taken into account for calculation, for all other tickets this factor is 25%)</p>	<ul style="list-style-type: none"> - No. - For tendered contracts this is not an issue. - Compensation due to lower income caused by special tariffs by reason of a general rule does not require a rule concerning cross-subsidisation. 	<ul style="list-style-type: none"> - No special rules. - In case of doubt, general rules according to German contract law (loss of basis of contract) 	<ul style="list-style-type: none"> - The operator bears the commercial risk (net contract), therefore it has an incentive to provide high quality. - A general rule obliges competent authorities to leave the revenue risk with the operator.

<p>DE Rhein-Neckar- Kreis (county) in the federal State of Baden-Württemberg</p>	<ul style="list-style-type: none"> - Tenders under competitive conditions avoid overcompensation. - For maximum-price tickets, the maximum compensation is the price difference from normal tickets. 	<p>Only party answered: (discounted tickets for people in education; 10% are not taken into account for calculation, for all other tickets this factor is 25%)</p>	<ul style="list-style-type: none"> - No. - For tendered contracts this is not an issue. - Compensation due to lower income caused by special tariffs by reason of a general rule does not require a rule concerning cross-subsidisation. 	<ul style="list-style-type: none"> - No special rules. - In case of doubt, general rules according to German contract law (loss of basis of contract). 	<ul style="list-style-type: none"> - The operator bears the commercial risk (net contract), therefore it has an incentive to provide high quality. - A general rule obliges competent authorities to leave the revenue risk with the operator.
<p>DE Landkreis (county) Kaiserslautern in the federal State Rheinland-Pfalz</p>	<ul style="list-style-type: none"> - Tenders under competitive conditions. - For maximum-price tickets, the maximum compensation is the price difference from normal tickets. 	<p>Only party answered: (for discounted tickets for people in education; 10% are not taken into account for calculation, for all other tickets this factor is 25%)</p>	<ul style="list-style-type: none"> - No. - For tendered contracts this is not an issue. - Compensation due to lower income caused by special tariffs by reason of a general rule does not require a rule concerning cross-subsidisation. 	<ul style="list-style-type: none"> - No special rules.- In case of doubt general rules according to German contract law (loss of basis of contract). 	<p>The operator bears the commercial risk (net contract), therefore it has an incentive to provide high quality.</p>
<p>DE City of Halle In the federal State Sachsen-Anhalt</p>	<ul style="list-style-type: none"> - Repayment if compensation was too high (exceeds actual costs which would also occur in an average reasonably managed business). - External auditor. - For changes of more than +/- 6% in the cost structure, changes are made immediately within the year. 	<p>Non-existent</p>	<p>No commercial operated transports existing</p>	<p>Will be decided if necessary</p>	<p>N/A</p>
<p>DE City of Gelsenkirchen in the</p>	<p>Calculation of the amount which can be compensated without granting state aid</p>	<p>Reference to the financial guidelines in Regulation 1370/2007 made:</p>	<p>N/A</p>	<p>In general, changes of the PSO are possible in the public</p>	<ul style="list-style-type: none"> - Necessary compensation is investigated.

federal State of Nordrhein-Westfalen		A (proven costs in connection with public service obligation) minus B (all quantifiable positive effects occurring within or without the network where the PSO are fulfilled) minus revenues generated by the fulfilment of the public service compensation; to the result a reasonable profit based on the result and determined annually will be added.		interest and for unforeseen events.	- Quality standards are defined and measured.
DE Landkreise (counties) Goettingen (without the city), Northeim and Osterode a.H. in the federal State of Niedersachsen	Maximum costs per schedule/hour, schedule/km and per vehicle plus a retrospective evidence of the actual costs are planned.	Preparation in progress	Preparation in progress	Not planned	Preparation in progress
DE City of Leipzig in the federal State of Saxony	N/A	N/A	N/A	N/A	Not planned
DE Rhein-Sieg-Kreis (county) in the federal State of Nordrhein-Westfalen	N/A	N/A	N/A	N/A	- Independent auditor. - Rights for checks and control in light of quality standards.
DE Landkreise	- For additional transport	- Cost differentiation	- Not really an issue	No rules planned	- External Audit.

(counties) Paderborn and Hoexter in the federal State of Nordrhein-Westfalen	supplies, the undertaking has to prove individual costs per schedule / km according to a provided calculation scheme and they are compared with the income generated by ticket sales for these services. - For service performance the checking of offers for defined services. - For equipment of buses (proof of costs for components installed in the public interest, only a certain percentage of costs is financed).	according to capital costs, operational costs and overhead-costs. - Income generated by ticket sales is subtracted.	because operators in the region operate on a commercial basis and receive additional compensation payments only for purposes set by law (such as discounted transport for people in education according to the PbefG). - Additional compensation for additional services in the public interest is granted according to additional proven costs.	(contractual duration is only 3 years and demand rises constantly)	- Counting and checking of passenger numbers. - "Mystery customers".
EN Department for Transport <i>(related to the bus services in England and does not include the Devolved Administrations)</i>	- Local authorities reimburse bus operators on the basis of the no-better-no-worse-off principle. - The Department for Transport provides guidance on the calculation of the reimbursement. - Bus operators can appeal to the Secretary of State with regard to the reimbursement.	Reimbursement mechanism	N/A	N/A	N/A
IE National Transport Authority	All three contracts: Article 5.6: In case of overcompensation, such amounts shall be reimbursed to the National Transport Authority.	An annual calculation is undertaken to establish the financial subsidy to be provided to the operator for the next calendar year. The net financial effect is the amount specified in the	Separation of accounts for the commercial and the PSO services (Section 11 of the Dublin Bus, Bus Eireann and Irish Rail PSC).	- Review mechanism (section 51 and section 52 of the Dublin Transport Authority Act 2008). - The PSC are reviewed annually and the	The PSC outline financial audit requirements at Section 14 of the Dublin Bus, Bus Eireann contracts and Section 15 of the Irish Rail

		contracts to subsidise the operation of an agreed network of services and capacity specified in Schedule A of the PSC for Dublin Bus, Bus Eireann and Irish Rail.		compensation and service levels are determined as part of this review process with regard to the passenger demand.	contracts. Furthermore there are extensive reporting requirements as set out at in Schedules B and C.
IT Federmobilità	<ul style="list-style-type: none"> - Industrial Associations and Employees' Unions go through constant opinion-campaign to assess the undercompensation of the operators' services. - Initiatives of the Regions aim at defining and applying methodologies of calculation of standard costs for services (only partially used, do not regard all the PSC and all the funds used to pay the relevant compensations). - The amount of compensation is strongly related to the difference between the amount of the costs borne to provide the services and the historical amounts verified for the tariff income. 	N/A	<ul style="list-style-type: none"> - Dealt with in only a limited number of PSC. - The operators of those contracts provide on an annual basis, in addition to the official balance sheet, their profit and loss account classified for business lines. 	<ul style="list-style-type: none"> - Unforeseen events refer mostly to natural disasters and morphological modifications of the network where the vehicles circulate. - The methods to adjust the compensation are linked to the quantitative variations of the services required and supplied. - The consequences of the quantitative variations of the demand of services due to economic cycles are mostly part of the operators' risks. 	<ul style="list-style-type: none"> - Penalties given by the OA to the operator in case of insufficient quality of the services in comparison with the quality levels set out in the PSC. - Obligation for the operator to recover part of the increase of the costs due to inflation through an increase in its operation management efficiency.
FR GART	<ul style="list-style-type: none"> - Definitions of the PSO. - Compensation is calculated beforehand in a transparent and objective fashion. 	N/A	N/A	N/A	N/A

<p>LT Ministry of Transport and Communications</p>	<p><u>- After Regulation 1370/2007</u>, rules for calculating compensation will be applied:</p> <ul style="list-style-type: none"> - Calculations for each route separately in order to have better understanding and control of costs. - Parameters on the basis of which compensation will be calculated approved by the Government. - Compensation calculated using a certain formula. 	<p>Formula to calculate compensation: $K = [(R \times M \times V) \times S] \times (100 + r/100) - (P + L)$, Lt K – compensation amount, R – number of train trips planned in a month from the start of the route till return to the start M – length of the route from the start of the route till return to the start, km V – average number of coaches in the train S – cost of 1 train kilometre in the route under PSO P – income per month L – transport privileges r – reasonable profit which cannot exceed 5%</p>	<ul style="list-style-type: none"> - No commercially viable passenger transportation services in Lithuania. - Railway Transport Code establishes principles: railway companies should ensure keeping separate profit and loss accounts and balance sheets. 	<p>N/A</p>	<p>N/A</p>
<p>LV Ministry of Transport</p>	<ul style="list-style-type: none"> - Direct costs related to a particular type of carriage are attributed to the kilometres covered. - Indirect costs are divided between types of economic activities (income, km). - Depreciation deductions are not included in the reimbursable costs when a 	<ul style="list-style-type: none"> - Compensations are calculated in accordance with Article 6 and Annex to Regulation 1370/2007. - Procedure is set out in the Losses Regulation. 	<p>Separation of accounts if the carrier provides not only services subject to public transport service obligations but also engages in other commercial activities.</p>	<p>State budget executors, when performing payment from the state budget, are required to keep to the budget limits allocated for a certain aim.</p>	<ul style="list-style-type: none"> - Preferred method of compensation alongside granting public transport service rights, the quality standards for vehicles involved in service provision are determined thus guaranteeing to passengers high quality and convenient service. - Carriers are

	rolling stock is purchased by using state or local government funding.				entitled to receive reasonable profit, enabling the company to develop and improve public transport services.
NL Province of Gelderland	Not an issue / the method provided for in Regulation 1370/2007 hampers the further development of the Dutch public transport service which is aimed at high quality public transport. Indeed, there is no more incentive for public operators to improve the quality of services.	- Revenue from passengers is the responsibility of the operator. - The subsidy is provided on the basis of the agreed amount.	Commercial revenues can result in better offers for public service.	- Risk of the operator. - If not liable (increase in the price of fuel), compensation.	- Obligations in the concession to develop and increase quality. - Monthly consultation.
NL Ministry of Transport	- Most PSC are publicly tendered so the issue of cross-subsidisation does not arise. - The directly awarded concession for the Main Railway Network contains many incentives for efficiency such as tariff cap, financial reporting, financial forecasts and benchmarking. - The public operator NS started to pay a yearly concession fee to the State as from 2009. For the next concession for the Main Railway Network, a formula needs to be developed for calculating the	A formula still needs to be developed.	- Separate bookkeeping. - The public operator NS started to pay a yearly concession fee to the state as from 2009. - Competition.	- For the Main Railway Network and the HiSpeedLine (Minister of Transport and Watermanagement is the competent authority): no provisions for external effects; the PSC can be revoked when a breach of contract occurs. - For the other services, the public transport companies are, as professional companies, expected to be able to deal with external events	For the Main Railway Network and the HiSpeedLine (Minister of Transport and Watermanagement is the competent authority): - Negative compensation (concession fees instead of subsidies). - Independence of the state (management freedom) - Tariff cap. - Financial

	net financial effect.			themselves.	reporting and financial forecasts (and discussions on developments of efficiency). - Benchmarking. - Obligation to improve performance indicators yearly such as punctuality, seat availability, provision of information in case of delays.
NL Stadsregio Amsterdam	Before a tendering process is organised, the costs that go with the provision of the public transport services concerned are determined to conform to the market (which takes a reasonable profit for the public operator into account). The expected proceeds from the provision of the public transport services concerned are also determined. The difference between market-based costs and proceeds is compensated by the granting of a subsidy. Overcompensation is prevented because of the market-based nature of the level of costs.	- Costs-proceeds= subsidy. - The costs contain the capacity costs, the costs per kilometre, the costs of the personnel and the indirect costs.	- Directly awarded concessions: the public operator needs to declare that it will employ a separate bookkeeping for its exploitation activities with regard to the concession. - Other concessions: the subsidy based on the difference between the market-based costs and the market-based proceeds avoids cross-subsidies.	A clause in the contract that allows alterations of the concession in case of unforeseen external events.	- The market-based subsidy forces the concessionaires to maintain effective management from the start of the contract. - The concessionaires of directly awarded contracts must achieve an increase in proceeds in order to keep receiving the subsidy. - With regard to the other contracts, the fact that the amount of hours during which the

					<p>services are provided is employed as an award criteria avoids cross-subsidies. They also have to achieve an increase in proceeds to keep receiving their subsidy.</p> <p>- A system of penalties acts as an incentive for the concessionaires to deliver good quality.</p>
<p>PL Ministry of Transport</p>	<p><u>Draft legislation:</u> Application of the principles contained in the Annex to Regulation 1370/2007.</p>	<p><u>Draft legislation:</u> Application of the principles contained in the Annex to Regulation 1370/2007.</p>	<p><u>Draft legislation:</u> Application of the principles contained in the Annex to Regulation 1370/2007 (separation of accounts).</p>	<p><u>Draft legislation:</u> The contract shall have to define the bases of accounting for the services in the event of the occurrence of a force majeure beyond the control of the operator.</p>	<p><u>Draft legislation:</u> Application of the principles contained in the Annex to Regulation 1370/2007.</p>
<p>RO Ministry of Transport and Infrastructure</p>	<p>The main cost components used to determine the cost of public transport by railway are expenditure on rail infrastructure, fuel and lubricants, electricity costs, repair costs, staffing costs, depreciation expenses, other operating expenses,</p>	<p>Calculation methodology of the monthly amount needed to cover public service office is set as a difference between the tariffs set with public authorities and real transport costs, plus profit share of between</p>	<p>The compensatory amounts are paid in accordance with services provided into a settled minimum social package.</p>	<p>No answer to the question.</p>	<p>Under the contract, the indicators of quantity and quality of rail passenger activities and other provisions related to the passenger transport services</p>

	<p>expenses, the maintenance and support of electronic systems and online sales in local and international traffic, providing passengers.</p> <p>The Ministry of Transport is allocating monthly compensatory amounts to operators from the state budget in order to compensate the real costs, plus a profit share of between 3 and 5%.</p>	<p>3% and 5%, and this amount is determined in accordance with national rules in force.</p>			<p>and its standards are established.</p>
<p>SE Ministry of Enterprise, Energy and Communications</p>	<ul style="list-style-type: none"> - On national level, all PSC are awarded on the basis of a competitive tendering process. - Compensation shall equal the net cost of providing the services. - Principles for retaining compensation in the event of service interruption or failure to comply with the obligations. 	<p>As part of the tender dossier, the competent authority on national level determines the arrangement for the allocation of costs and revenues connected with the provision of PSO services.</p>	<p>As for the national level, the competent authority generally reserves the right to perform in-depth analyses that may also include the accounts of the operator.</p>	<p>On national level the principle is to identify as many risks as possible that may hamper the fulfilment of PSC during their period of validity and to express them prior to the award of the contract as part of the tender process.</p>	<ul style="list-style-type: none"> - On national level, contracts are most often service concessions according to which the service operator keeps revenues and gains from exploiting the services. - Continuous monitoring on the part of the competent authority. - Annual research on customer satisfaction.
<p>SK Ministry of Transport, Posts and Telecommunications</p>	<p><u>1) Railway transport</u></p> <ul style="list-style-type: none"> - All costs and revenues are planned in advance. - Semi-yearly and annually PSC are evaluated in 	<p><u>1) Railway transport</u> (see Answer 4, a)</p> <ul style="list-style-type: none"> - All costs and revenues are planned in advance. - Semi-yearly and 	<p><u>1) Railway transport</u></p> <p>Operator is obliged, by law, to keep account of costs and revenues separately from other commercial</p>	<p><u>1) Railway transport</u></p> <ul style="list-style-type: none"> - Annual evaluation of PSC, unpredictable 	<p><u>1) Railway transport</u></p> <ul style="list-style-type: none"> - Annual evaluation checked by an independent

	<p>a protocol by the competent authority (MTPPT SR).</p> <ul style="list-style-type: none"> - Annual evaluation checked by an independent auditor. <p><u>2) Bus transport</u></p> <ul style="list-style-type: none"> - The self-administration region (county council) in the domestic regular bus services or the municipality (city council) in the urban bus transport: public tender or direct award. - The self-administration region in the domestic regular bus services or the municipality in the urban bus transport shall provide the carrier with the compensation for public services from its budget in accordance with Article 6 of Regulation 1370/2007. 	<p>annually PSC are evaluated in a protocol by the competent authority (MTPPT SR).</p> <ul style="list-style-type: none"> - Annual evaluation checked by an independent auditor. <p><u>2) Bus transport</u></p> <p>No data available for self-administration regions (8 county councils) in the domestic regular bus services or municipalities (41 city councils) in the urban bus transport.</p>	<p>activities.</p> <p><u>2) Bus transport</u></p> <p>No data available for self-administration regions (8 county councils) in the domestic regular bus services or municipalities (41 city councils) in the urban bus transport.</p>	<p>circumstances are taken into account.</p> <ul style="list-style-type: none"> - When legitimate, they are included in the calculation of total sum of compensation. <p><u>2) Bus transport</u></p> <p>No data available for self-administration regions (8 county councils) in the domestic regular bus services or municipalities (41 city councils) in the urban bus transport.</p>	<p>auditor.</p> <ul style="list-style-type: none"> - Standards of passenger rail transport are given by qualitative indicators stated in appendix of PSC. - Indicators must be fulfilled by operators otherwise sanctions for not keeping agreed indicators. <p><u>2) Bus transport</u></p> <p>No data available for self-administration regions (8 county councils) in the domestic regular bus services or municipalities (41 city councils) in the urban bus transport.</p>
<p>UK - South Yorkshire Passenger Transport Executive (PTEG) <i>(response based on bus services outside London)</i></p>	<p>Most PSC are tendered in accordance with 1985 Transport Act rules and Regulation 1370/2007</p>	<p>No answer to the question</p>	<p>No answer to the question</p>	<ul style="list-style-type: none"> - PSC awarded for fixed period of up to 8 years. - PSC can cater for reductions in revenues or passenger numbers. 	<ul style="list-style-type: none"> - PSC specify the standards required, payment of the compensation will be reliant upon service provision. - PSC contain provisions allowing for financial

					deductions to be made for non-performance/poor performance. - Monitoring of obligations: mystery shopper, surveys, real time data etc.
UK Mersey Travel	N/A	N/A	N/A	- All contracts can be terminated by either party with 13 weeks' notice. - Prices are adjusted each year in line with inflation.	All contracts are monitored and financial penalties applied for any contract infringement.
UK Heavy rail <i>(does not include Northern Ireland)</i>	- Competition - The franchise agreements contain since 2004 revenue-share provisions in case the revenue out-performs the level predicted during competition.	No, this is a matter for bidders and is assessed by the Secretary of State.	- Franchises are awarded to the bidders with the most economically advantageous bid, which gives the incentive to bidders to reduce costs and maximise the revenues on all services (prevents the issue of cross-subsidy from arising). - The franchise agreements contain revenue-share provisions.	- The franchise agreements contain (since 2004) revenue-share provisions and revenue support provisions (support typically available from year 4). - Industry performance regimes compensate train operators for lost revenues due to Network Rail Actions.	- Standard of services is managed through the franchise agreement and actively monitored by the Department for Transport. - In case of failure of the delivery of the contractual obligations, the TOCs have to produce improvement plans. - Non-delivery constitutes a breach of the franchise agreement and is

					sanctioned under both the agreement and the UK statute. - Material event of default will ultimately lead to the termination of the contract.
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5. Award

	Internal operator	Direct award	Competitive tender process	Subcontractors	Award procedure before 3/12/2009
AT VOR	No	No	Predominant part	Rate of subcontractors estimated around 25%	Before 3/12/2009, PSCs were awarded according to the provisions of the relevant national law: - "Bundesvergabe-gesetz" (implementing the EC-directives on public procurement). - "Bundesgesetz über die Ordnung des öffentlichen Personennah- und Regionalverkehrs" (legal framework for public transport in Austria in general). - "Bundesgesetz über die linienmäßige Beförderung von Personen mit Kraftfahrzeugen" (legal framework for the operation of regular bus services).
AT (BMVIT)	No	Award directly to existing operators on the basis of	Currently considered for partial services	Possible after consultation with	PSO were contracted annually.

		services in order to ensure the general interest/ legal obligations.	only.	the principal.	
BE Federal Public Service for Transport & Mobility	No	Application of Article 5.6 of Regulation 1370/2007.	Not applicable	Only in case of disruption of traffic, the public service operator can make recourse to a bus operator to provide the transport.	Direct award (no change) for railways
BE Brussels Capital Region	STIB 100% owned by the Region Statutes: 06/12/1990 (government act) covers the administrative territory of Brussels Capital Region, with some historical exceptions.	Political decision	No	No	In-house from 1990
DE Landkreis (county) Bergstraße in the federal State of Hessen	No	No	So far 3 million schedule km divided among 6 line bundles have been tendered.	Depends on the operator, maximum limit is set according to article 4 para 7.	Since 2005, by means of competitive tenders based on sec. 13a PBefG and secondary national law.
DE Rhein-Neckar- Kreis (county) in the federal State of Baden-Württemberg	No	No	So far 4.9 million schedule km divided among 5 line bundles have been tendered.	Depends on the operator, maximum limit is set according to article 4 para 7.	Since 2005, by means of competitive tenders based on sec. 13a PBefG and secondary national law.
DE Landkreis (county) Kaiserslautern in the federal State Rheinland-Pfalz	No	No	So far no line bundles have been tendered in competition. By 2015, 2 line bundles	Depends on the operator, maximum limit is set according to article 4 para 7.	N/A

			shall be tendered.		
DE Landkreise (counties) Paderborn and Hoexter in the federal State of Nordrhein-Westfalen	No	No	Tenders planned for 2013 (so far No).	No	Direct grants building on a licence according to the PBefG
DE City of Halle In the federal State Sachsen-Anhalt	If there will be a direct award in future (see right): - Hallesche Verkehrsaktiengesellscha ft (HAVAG); statutes are articles of association. - 100% owned by the Stadtwerke (local utilities) Halle which is owned 100% by the city. - Its business activities concern personal passenger transport with buses and trams in the region of Halle and within the Landkreis (county) Saalekreis (one tram line).	End of 2010 and beginning of 2011 the city will decide how to make awards depending on the change to the PBefG (current licences expire 2012).	See left (expiry of current licences has been published EU- wide)	20.6% of the schedule/km are provided by subcontractors (lines with small buses) after limited tenders or direct grants.	After the undertaking received the licence according to the PBefG, a transport-service- financing contract was concluded (in practice one undertaking holding all line licences)
DE City of Gelsenkirchen in the federal State of Nordrhein-Westfalen	- 1. Bogestra AG; corporation; owned by the commune Bochum/Gelsenkirchen; operates in Bochum, Gelsenkirchen as well as on lines to Hattingen, Witten, Castrop-Rauxel, Herne Dortmund. - 2. Vestische Straßenbahnen GmbH,	The existing award will continue if the licence according to the PBefG is renewed, but no longer than 31.12.2019.	N/A	20% of the performance of bus services is sub- contracted via tenders.	- PSC as of 26.07.00 prior to 03.12.09, granted according to another than a fair, competitive procedure. - Direct appointments according to decisions of 15.12.2005 and 13.12.2007.

	<p>limited liability company, owned by the communes Kreis Recklinghausen, Stadt Gelsenkirchen and Stadt Bottrop; operates in Kreis Recklinghausen, Gelsenkirchen, Bottrop and on lines to Oberhausen, Essen, Herne, Dortmund, Lünen.</p> <p>Performance: - Bus 6.3 Mio km. - Tram 1.6 Mio km. - City train 0.6 Mio km.</p>				
DE Landkreise (counties) Goettingen (without the city), Northeim and Osterode a.H. in the federal State of Niedersachsen	Not planned	Not planned	First tender planned for 2011, from 2013 onwards yearly 2-4 line bundles.	N/A	Announcement to obtain a licence
DE City of Leipzig in the federal State of Saxony	N/A	N/A	N/A	N/A	Until 31.12.2028 according to a procedure other than a fair and competitive tendering procedure
DE Rhein-Sieg-Kreis (county) in the federal State of Nordrhein-Westfalen	N/A	Market-oriented direct grants for 2 undertakings owned by the Rhein-Sieg-Kreis prior to 03.12.2009	N/A	N/A	- Existing contracts with neighbouring authorities carrying out the task of public passenger transport. - Market-oriented direct awards for 2 undertakings owned by the Rhein-Sieg-Kreis prior to 03.12.2009.

<p>EN Department for Transport <i>(related to the bus services in England and does not include the Devolved Administrations)</i></p>	<p>It is likely that some local authorities operate bus services directly, when this is not prohibited by domestic statute.</p>	<p>Unknown</p>	<p>Unknown</p>	<p>Unknown</p>	<p>N/A</p>
<p>IE National Transport Authority</p>	<p>The PSC are concluded with Dublin Bus, Bus Eireann and Irish Rail (all internal operators). - Irish Rail: The Transport (Reorganisation of C.I.E.) Act 1986 sets out the principal objectives of Irish Rail as to providing a railway service and a road freight service. It is the general mandate of the company to operate commercially to the maximum extent possible, taking account of the PSO of the company and to manage, maintain and develop the rail network infrastructure. - Dublin Bus: The Transport (Reorganisation of C.I.E.) Act 1986 sets out the principal objectives of Dublin Bus to provide passenger services by road for the city and county of Dublin. Dublin Bus is also required to</p>	<p>The Dublin Transport Authority Act 2008 (sections 48 and 52) as amended by the Public Transport Regulation Act 2009 (Part 3) provided the basis for direct awards to the incumbent operators of PSO services before December 2009 to ensure continuity of the network.</p>	<p>Not yet applicable since there has been no tendering to date for PSO services.</p>	<p>Operators are encouraged and free to use subcontractors. - Section 12 of the Dublin Bus, Bus Eireann and Irish Rail PSCs provide for the use of subcontractors.</p>	<p>- PSO were imposed on Dublin Bus Bus Eireann and Irish Rail (then known as Córas Iompair Eireann/CIE). - Transport Acts 1950, 1958 and the Transport (Reorganisation of C.I.E.) Act 1986 set out PSO, which comply with Regulation 1191/69, and are compatible with the Treaty. - PSC were introduced prior to the introduction of Regulation 1370/2007.</p>

	<p>operate commercially to the maximum extent possible taking account of the PSO of the company.</p> <p>- Bus Eireann: The Transport (Reorganisation of C.I.E.) Act 1986 sets out the principal objectives of Bus Éireann to operate a wide range of bus and coach services throughout the entity including: expressway coach services linking major cities and towns; local bus services in rural areas; city bus services in Cork, Galway, Limerick and Waterford. They are also responsible for the operation of the national school transport scheme on behalf of the Department of Education and Skills.</p>				
<p>IT Federmobilità</p>	<p>- Award of services to internal operators: 50% of all non-railway services supplied on a national basis (due to the transitional period anticipated in the Italian legislation of 1997).</p> <p>- Internal operators take the form of joint-stock companies, from which shares are owned by the</p>	<p>PSC through direct awards: 10%-20% of total non-railways services supplied in Italy. In general, they regard the extension of the concessions existing before 1997.</p>	<p>- From 1997: more than 30% of the public transport services supplied in Italy with PT modes different from railway have been awarded with public tendering processes.</p> <p>- Only 2 Regions have assigned</p>	<p>- Regions: the prohibition to supply services through subcontracts or a maximum limit to the percentage of services which can be delivered through subcontracts or specification of</p>	<p>PSCs awarded before 3 December 2009 in accordance with the national laws on public tendering, which are coherent with the European norms in force.</p>

	competent local Authorities/ The territory of competence can vary from a single Municipality to territories such as a Province or the entire Region.		railway services by public tendering processes.	cases and conditions under which subcontracting is allowed. - Every Region has its own rules regarding subcontracting.	
FR GART	- Urban transport: 10% of the competent authorities (being 4% in the framework of an EPIC (<i>établissement public à caractère industriel et commercial</i>) and 6% in the framework of a public company with financial autonomy). These contracts concern mostly only small networks. - We can suppose that for the more important networks, the competent authorities make more recourse to private specialised operators due to the complexity and the technical nature of the provision of those services.	Referral to the response with regard to the recourse to internal operators (see left).	- 78%: delegation - 12%: recourse to tender processes.	- If subcontracting is allowed, there is no particular provision concerning subcontracting in the case of delegations of the public services. - Only partial subcontracting is allowed.	- <i>Code des marchés publics</i> prescribes the different possible procedures, outlines and the two possibilities with regard to devolution. - Delegations of public service after a transparent procedure allowing competing bids which are negotiated by the competent authorities - <i>Loi Sapin</i> . - In house awarding.
LT Ministry of Transport and Communications	- No local competent authorities taking decisions to provide transport services or award directly PSC to internal operators.	- <u>During transitional period</u> : intended to start from direct award of PSO contract as a measure to gradually comply with	N/A	General rules of Civil code applied	<u>1) Railway</u> - Article 12 of Railway Transport Code establishes rules for Discharge of PSO. - Ministry of Transport and Communications concludes, in

	<p>- <u>In the road transport sector</u>:</p> <p>- Method of selection is by open tendering.</p> <p>- Basic feature of operators: must have the licence to carry passengers and permission to carry passengers on regular routes.</p>	<p>Article 5 of the Regulation.</p> <p>- <u>In the road sector</u> direct awards are possible following the provisions of Regulation 1370/2007.</p>			<p>accordance with the procedure established by the Law on the Principles of Transport Activities, PSC with a RU specifying possible financial sources for investment programmes.</p> <p>- Amendment of provisions of Railway Transport Code in accordance with Regulation 1370/2007.</p> <p><u>2) In the road sector</u>: Before 3/12/2009 carriers had to be licensed to carry passengers and have permission to carry passengers on regular routes, following the provisions of Road Transport Code of the Republic of Lithuania, Resolution N° 1170 of the Government of 23 October 1997 and Order N° 3-62 of the Minister of Transport and Communications of 14 February 2006.</p> <p>- Losses compensated following the rules established by Order No 3-154 of the Minister of Transport and Communications of 13 March 2003.</p>
<p>LV Ministry of Transport</p>	<p>Yes:</p> <p>- The Administration has concluded the concession contracts on providing public transport services within regional intercity</p>	<p>- The ordering party for ensuring the society with safe and accessible public transport services within routes can grant the right to provide public transport</p>	<p>When concluding a direct public transport service order contract, the tendering is not organised and the</p>	<p>Clause on subcontracting contracts was included in the Law with the aim of avoiding the</p>	<p>- Route Service Contracts were concluded with the carriers.</p> <p>- The role of the state administration in the field of road transport was executed</p>

	<p>routes; and intercity routes are operated by 14 carriers and 19 contracts have been concluded, out of which 2 contracts are with the carriers which operate regional intercity rail routes.</p> <ul style="list-style-type: none"> - Regional intercity routes are operated by 54 carriers, and 57 contracts on providing public transport services within regional local routes have been concluded. - Urban routes are operated by 22 carriers, and 22 contracts on providing public transport services within urban routes have been concluded. 	<p>services or conclude with the carrier a direct public transport service order contract.</p> <ul style="list-style-type: none"> - Organised in accordance with the Public Procurement Law or the Law which regulates the granting of concessions. 	<p>ordering party can grant the right to provide public transport services only to its own capital company in which all capital shares or voting stock is owned by the relevant ordering party.</p>	<p>possibility of a dominant position in the public transport service market.</p>	<p>by the Ministry of Transport and state road transport related services.</p> <ul style="list-style-type: none"> - The term of validity of the Route Service Contract depended on the validity of the route authorisation. - Pursuant to the legal acts in force at that time the term of validity of an authorisation was in the range of 1 to 4 years but the validity date could not exceed 31 December 2007.
<p>NL Province of Gelderland</p>	<p>No</p>	<p>No (this is contrary to the idea of an open market)</p>	<p>Tendering for concessions -> more efficiency, better service, better rolling stock, less CO², less fine dust and more passengers for almost the same subsidy.</p>	<p>For some specific routes, it is allowed in the concessions.</p>	<p>Tendered concessions have existed since 2001.</p>
<p>NL Ministry of Transport</p>	<ul style="list-style-type: none"> - PSC are in principle tendered through a competitive and non-discriminatory procedure. - No recourse made yet to internal operators in the sense of Article 5 (2) 	<p>Several PSC have been directly awarded (prior to 2009).</p>	<p>The majority of concessions are tendered (74 out of 78) with the exception of the Main Rail Network and 3 urban</p>	<ul style="list-style-type: none"> - This is up to the competent authorities. - Subcontracting is happening in some regions. 	<p>In accordance with the Public Procurement Directives.</p>

	of Regulation 1370/2007.		concessions (Amsterdam, Rotterdam and The Hague).		
NL Stadsregio Amsterdam	<ul style="list-style-type: none"> - Only the concession that regards the city of Amsterdam is directly awarded. - There are only 3 exceptions to the obligation to organise a competitive tendering process (Amsterdam, Rotterdam and The Hague). - Regulation 1370/2007 needs to be implemented before 2012 --- Gemeentevervoerbedrijf Amsterdam (GVB Amsterdam, independent as from 2006). - The shares of GVB Amsterdam are owned by the city of Amsterdam. - GVB Exploitatie BV is a daughter of GVB Amsterdam and acts as concessionaire for Amsterdam and the surrounding communes. - The obligations and rights that the city of Amsterdam has as shareholder are transferred to Stadsregio Amsterdam for the 	One of the 4 concessions is awarded directly; this with the requirement that GVB Amsterdam has knowledge of the whole complex network of services and the requirement that no overcompensation occurs.	3 of the 4 concessions are awarded following a competitive tendering process (Zaanstreek, Amstelland-Meerlanden and Waterland).	There are only subcontractors for the lines that only have few passengers (mostly operated by taxi companies).	The same procedures will be followed with the exception of the decisive control of Stadsregio Amsterdam.

	awarding of the new concession in 2012.				
PL Ministry of Transport	<u>Draft legislation:</u> Application of the principles contained in the Annex to Regulation 1370/2007	<u>Draft legislation:</u> Application of the principles contained in the Annex to Regulation 1370/2007	<u>Draft legislation:</u> Application of the principles contained in the Annex to Regulation 1370/2007	<u>Draft legislation:</u> Authorisation of public authorities to define in the contract with the operator the conditions under which subcontracting is allowed.	<i>(question partially answered)</i> - In urban transport, application of the public procurement rules. - In railways, on the basis of the railway legislation.
RO Ministry of Transport and Infrastructure	No	No	No	No	N/A
SE Ministry of Enterprise, Energy and Communications	N/A on national level.	N/A on national level.	On national level, all contracts on public transport are based on competitive tendering.	Stipulated in advance as part of the contractual arrangement (model contract). As for PSC on national level, this will normally require the written consent of the national competent authority.	Awarded by means of competitive tendering.
SK Ministry of Transport, Posts and Telecommunications	<u>1) Railway transport</u> - No recourse to internal operators. <u>2) Bus transport</u> - Only the urban bus services in 5 cities will be awarded to internal	<u>1) Railway transport</u> - Direct awarding referred to the railway passenger services. - Determining factors: ability to perform PSO of 32 million train km/year, experiences with providing	<u>1) Railway transport</u> Not yet applied. <u>2) Bus transport</u> Data not available.	<u>1) Railway transport</u> - Possibility of providing some services by subcontractors after approval of competent authority.	<u>1) Railway transport</u> - Awarded directly in 2008 according to former Act on Infrastructure 164/1996 Coll. - Contract concluded for period of 2008-2010. <u>2) Bus transport</u>

	<p>operators.</p> <ul style="list-style-type: none"> - Internal operators are capital companies (passenger transport companies) in ownership of municipality. 	<p>such services, operator holds licence for operation of passenger rail transportation, ability to pursue all liabilities.</p> <p><u>2) Bus transport</u></p> <p>Data not available.</p>		<ul style="list-style-type: none"> - In fact, only alternative bus transport within of closure of railway infrastructure is operated by subcontractors <p><u>2) Bus transport</u></p> <p>Data not available.</p>	<ul style="list-style-type: none"> - Subject to Act of National Council of 17 May 1996 on the road transport. - Awarded direct in accordance with Council Regulations (EEC) Nos 1191/69 and 1107/70 (Network contracting).
<p>UK - South Yorkshire Passenger Transport Executive (PTEG) <i>(response based on bus services outside London)</i></p>	<p>No: UK legislation for bus services does not generally allow the recourse to internal operators.</p>	<ul style="list-style-type: none"> - UK legal framework set out in SI 2004/609 (<i>De minimis</i> rules). - Transport Act 1985: emergency awards fill a gap whilst a tender exercise is undertaken to put in place a longer term PSC. 	<p>Majority of bus services (except <i>de-minimis</i> and those provided for commercially) via tendering processes under the rules set out in Transport Act 1985 and Transport Act 2000 (Quality Contracts).</p>	<p>Possible, unless contractual restrictions, but not very widely used.</p>	<ul style="list-style-type: none"> - Tendering under Transport Act 1985. - Generally a presumption that the EU procurement rules for service contracts applied, particularly for contracts where the Local Transport Authorities took revenue risks.
<p>UK Mersey Travel</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>Subcontracting is not permitted.</p>	<p>In accordance with EU tendering processes (Public Contract Regulations 2006).</p>
<p>UK Heavy rail <i>(does not include Northern Ireland)</i></p>	<ul style="list-style-type: none"> - Reference to the Commission letter of 10 August 2009. - General rail services are provided pursuant to franchise agreements between the TOCs and the Secretary of State. - The Secretary of State temporarily operates the East Coast mainline 	<p>N/A</p>	<ul style="list-style-type: none"> - Reference to the Commission letter of 10 August 2009. - General rail services are provided pursuant to franchise agreements between the TOCs and the Secretary of State. - The Secretary of 	<p>N/A</p>	<ul style="list-style-type: none"> - Reference to the Commission letter of 10 August 2009. - General rail services are provided pursuant to franchise agreements between the TOCs and the Secretary of State. - The Secretary of State temporarily operates the East Coast mainline following the collapse of the franchisee.

	<p>following the collapse of the franchisee concerned.</p> <ul style="list-style-type: none"> - Local authorities rarely enter into agreements for the provision of rail passenger services. 		<p>State temporarily operates the East Coast mainline following the collapse of the franchisee.</p> <ul style="list-style-type: none"> - Local authorities rarely enter into agreements for the provision of rail passenger services. 		<ul style="list-style-type: none"> - Local authorities rarely enter into agreements for the provision of rail passenger services.
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6. Procedural aspects of PSC

	Duration of existing contracts	Duration of contract post 03/12/2009	Review / appeal procedure	Transparency / publication requirements
AT VOR	<p>Usually 5 years mandatory plus 3 years optional for PSO of considerable volume, shorter terms for smaller volumes.</p>	<p>See left, not longer period than permitted under article 4 para 3 of Regulation 1370/2007.</p>	<ul style="list-style-type: none"> - For bus or tram services: PSC can be appealed to the responsible authorities on either federal ("Bundesvergabeamt") or state ("Unabhängiger Verwaltungssenat") level, depending on the status of the contracting authority. - For PSC awarded in the form of "Dienstleistungskonzessionen" (the public authority grants a service concession and does not pay for the service; the remuneration consists in the right of the concessionaire to economically exploit the service) which are explicitly NOT covered by the rules of the national statute on public procurement ("Bundesvergabegesetz"), the responsibility for judicial review lies with the civil courts. Insofar the implementation of the requirement "effective legal protection" as stipulated by lit. 21 PSO in Austria remains 	<ul style="list-style-type: none"> - For bus or tram services: Publication according to the public procurement regime ("Bundesvergabegesetz", EC-directives). All transparency standards of a formal tendering process have to be met. - For PSO: There's some uncertainty on the precise meaning of Art. 5/3, 2nd sentence (e.g. would a publication on the ordering party's website be sufficient?).

			questionable.	
AT (BMVIT)	- Existing contracts expire or will be cancelled. - Future contracts will be established according to the scope of and in accordance with Regulation 1370/2007 but are currently in negotiation.	- Existing contracts expire or will be cancelled. - Future contracts will be established according to the scope of and in accordance with Regulation 1370/2007 but are currently in negotiation.	N/A	N/A
BE Federal Public Service for Transport & Mobility	5 years (2008-2012)	N/A	N/A	The public service contract is published in the " <i>Moniteur Belge</i> " (Belgian State Gazette).
BE Brussels Capital Region	5 years (2007-2011)	N/A	N/A	N/A
DE Landkreis (county) Bergstraße in the federal State of Hessen	In general 8 years (maximum duration of a legal licence for line transport in Germany)	8 years	Due to the fact that they consider their contracts as concessions, administrative courts, and not procurement chambers and Courts of Appeal, should be competent (but in dispute).	Only Article 7 Regulation 1370/2007 (no national rules)
DE Rhein-Neckar- Kreis (county) in the federal State of Baden-Württemberg	In general 8 years (maximum duration of a legal licence for line transport in Germany)	8 years	Due to the fact that they consider their contracts as concessions, administrative courts, and not procurement chambers and Courts of Appeal, should be competent (but in dispute).	Only Article 7 Regulation 1370/2007 (no national rules)
DE Landkreis (county)	N/A	N/A	Due to the fact that they consider their envisaged contracts as concessions,	Only Article 7 Regulation 1370/2007 (no national rules)

Kaiserslautern in the federal State Rheinland-Pfalz			administrative courts, and not procurement chambers and Courts of Appeal, should be competent (but in dispute).	
DE Landkreise (counties) Paderborn and Hoexter in the federal State of Nordrhein-Westfalen	- Contracts for additional transport supplies: maximum of three years (the relevant concession according to the PBefG is granted for 8 years). - Contracts for special services: 1 year as a general rule.	See left, alternatively 1 year duration.	No administrative-appeal procedure because contract will be only concluded once licence [according to PBefG] is granted.	Not necessary so far.
DE City of Halle in the federal State Sachsen-Anhalt	17.08.07 until 31.12.21 (if not terminated before)	N/A	- Administrative courts for licence according to PBefG, procurement chambers or Courts of Appeal for the procurement decision. - The city of Halle supports the idea of having one competent judicial branch for both.	Administrative procedural rules of Sachsen-Anhalt and applicable Public Procurement rules (VOL).
DE City of Gelsenkirchen in the federal State of Nordrhein-Westfalen	Until 31.12.2019	N/A	Administrative courts for licence according to PBefG, procurement chambers or Courts of Appeal for the procurement decision; a unified procedure would be welcomed.	N/A
DE Landkreise (counties) Goettingen (without the city), Northeim and Osterode a.H. in the federal State of Niedersachsen	- N/A (no PSC at the moment). - Current contracts expire with the line transport licence (max. 2016).	N/A (no PSC at the moment).	N/A (no PSC at the moment).	Publication of a planned competitive tender for a public service contract has been announced in the EU journal in February 2010.
DE	N/A	Not answered (no contracts	N/A	N/A

City of Leipzig in the federal State of Saxony		have been concluded since 03.12.2009)		
DE Rhein-Sieg-Kreis (county) in the federal State of Nordrhein-Westfalen	Direct market oriented grants expire 31.12.2016.	No	N/A	N/A
EN Department for Transport <i>(related to the bus services in England and does not include the Devolved Administrations)</i>	N/A	N/A	<ul style="list-style-type: none"> - Statutory consultees have a right of appeal against the local transport authority's decision to devise a Quality Contract Scheme (QCS). - When the QCS board's opinion is that the statutory requirements about notice and consultation have been met and that the "public interest" criteria are satisfied, the right of appeal is limited to points of law only. - When the QCS board has not provided the above-mentioned opinion, the right of appeal is not limited. - Transport Tribunal is currently the competent appeal tribunal, but with the plan to transfer that competence to the Upper Tribunal. - Transport Tribunal: appeals are to be made in writing within 28 days of the notice of the decision being appealed against (with a discretion to allow later appeals). Upper Tribunal: appeals must be made within one month of the notice of the decision being appealed against. - The competent tribunal may make any order it considers appropriate given the circumstances.- Options set out in the 2000 Acts: 	A revision of the rules regarding the Upper Tribunal is considered in anticipation of the transfer of QCS-related functions from the Transport Tribunal.

			<p>1) dismissing the appeal in whole or in part;</p> <p>2) remitting the matter to the authority concerned, directing them to reconsider and re-consult and vary the scheme;</p> <p>3) directing the authority concerned to vary the scheme in a particular way;</p> <p>4) quashing the decision of the authority concerned when the defects in the scheme cannot be rectified in other ways.</p>	
IE National Transport Authority	<ul style="list-style-type: none"> - Dublin Bus and Bus Eireann: 5 years - Irish Rail: 10 years - All contracts commenced December 2009. 	N/A	Not yet applicable.	Not yet applicable.
IT Federmobilità	Between 3 and 6 years.	Between 3 and 6 years.	<ul style="list-style-type: none"> - Claims against tender announcements, qualifications and final awarding of the PSC come before the Administrative Court of the Regions where the authority involved is located. - State Council at a second instance. 	National and EU norms regarding public tendering.
FR GART	<ul style="list-style-type: none"> - Contracts regarding weak delegation: 6 years. -- Contract regarding "strong delegation": the longest contracts are the concessions for which investments in infrastructure are needed. 	N/A	Referral to the answer for question 5f.	<p>Double publication requirement:</p> <ul style="list-style-type: none"> - in a general journal with legal announcements; and - in a journal of the economic sector concerned. <p>The obligatory minimum content of the announcements is determined.</p>
LT Ministry of Transport and Communications	<ul style="list-style-type: none"> - 1 year in the railway sector. - Up to 5 years in the road sector. 	<ul style="list-style-type: none"> - For 10 years in the railway sector/ - In the road sector, no contracts after 3 December 	All actions taken by the Ministry as a competent authority may be appealed in court.	Published as requested by Article 7 of Regulation 1370/2007 on the website of the Ministry of Transport and Communications.

		2009.		
LV Ministry of Transport	- By rail – for 15 years, but, if the carrier is obliged to involve completely new vehicles in the provision of public transport services, for a time period up to 22.5 years. - By bus – for 8 years, but, if the carrier is obliged to involve brand new vehicles in the provision of public transport services, for a time period up to 12 years.	After 9 December 2009 ordering parties have not concluded any new public transport service contract.	Decision on awarding the contract on provision of public transport services within regional intercity routes can be appealed in accordance with the provisions of the Administrative Procedure Law within 30 days following the decision passing day.	The information on opening of tendering, on changes in the course of the tendering process and the tender results are published in the official journal of Latvia "Latvijas Vēstnesis", in the European Official Journal and on the homepage of the ordering party.
NL Province of Gelderland	Prescribed at national level (<i>Question not answered</i>)	No new contracts	- Appeal before the authority which has granted the concession. - Proceeding before the courts.	The procedure is completely transparent and in compliance with the legal prescriptions.
NL Stadsregio Amsterdam	The duration varies from 6 to 8 years.	The duration varies from 6 to 8 years.	Question not answered Note: - Stadsregio Amsterdam determines the requirements, which are translated into the tender documents. The amount of the subsidy is also fixed in the tender documents. - The tenders are specifically assessed on the objectives proposed with regard to growth and quality.	All the relevant documents are published in the Tender Electronic Daily.
NL Ministry of Transport	In accordance with the PTA 2000: - PSC for buses: maximum of 8 years (Article 24).	- City of Almere: 7 years - Region Groningen-Drenthe: 6 + 2 years - Region of Voorne-Putten: 7 + 1 years	- Any interested party can, within 6 weeks of the award decision, lodge a notice of objection before the competent transport authority. - Against the decision of the competent	The competent transport authority must reveal its decisions to any interested party that has expressed its views during the decision-making

	<ul style="list-style-type: none"> - PSC for trams and metro: maximum of 8 years (Article 24). - PSC for rail: maximum of 10-15 years (Article 24.4). 	<ul style="list-style-type: none"> - Region of Achterhoek /Knooppunt Arnhem-Nijmegen: 10 years + 5 years - Region of Midden-Overijssel: 9 years - Region of Zaanstreek: 8 years (8 PSC are to expire in 2010). 	transport authority, the interested party can, within 6 weeks of the decision concerned, launch an appeal before the <i>College van Beroep voor het Bedrijfsleven</i> , which is part of the independent judiciary in NL.	process (pursuant to the General Administrative Act).
PL Ministry of Transport	<ul style="list-style-type: none"> - 4 years in railway transport. - 10 years in urban transport. 	<u>Draft legislation:</u> <ul style="list-style-type: none"> - 15 years in railway transport. - 15 years in sea transport and inland waterways. - 10 years for urban transport. 	<u>Draft legislation:</u> Right to complain before the administrative court.	<u>Draft legislation:</u> The intention to initiate a procedure has to be published not less than 1 year before the procedure, unless the amount of the contract is < 50,000 EUR (6 months).
RO Ministry of Transport and Infrastructure	4 years	4 years with the possibility of extension.	According to general provisions related to contracts.	The law applied and the contract are published in the Romanian Official Gazette.
SE Ministry of Enterprise, Energy and Communications	The duration does not generally exceed 5 years (national level contracts for rails and roads).	No such procedure has yet commenced after 3 December 2009 at national level. We do not envisage that the new Regulation will affect the contractual period of validity in general.	<ul style="list-style-type: none"> - National legislation on public procurement covers the review-appeal procedure for PSC. - Cases may be referred to the county administrative court system. - Not applicable to public service concessions. 	<ul style="list-style-type: none"> - The review-appeal procedure is published in the national acts on public procurement. - All tenderers are informed of the entire procedure, including a decision on the outcome of the tender and the reasons for it. - 10 days waiting period to appeal the decision (before the contract is formally signed).
SK Ministry of Transport, Posts and	<u>1) Railway transport</u> 3 years (2008-2010).	<u>1) Railway transport</u> - New PSC not awarded	<u>1) Railway transport</u> - Performance, according to the Act on	<u>1) Railway transport</u> N/A

Telecommunications	<u>2) Bus transport</u> (roughly) 4 to 10 years.	yet. - Under construction and will be valid as of 1/1/2011 for period of 10 years. <u>2) Bus transport</u> No data available for self-administration regions (8 county councils) in the domestic regular bus services or municipalities (41 city councils) in the urban bus transport.	Transport on Infrastructure, subject to general decree on Administrative procedure. <u>2) Bus transport</u> Awarding contract and review procedures pursuant to the Act No 25/2006 on public procurement apply to the procedure of awarding the contract for providing the public services through a public tender.	<u>2) Bus transport</u> - Awarding contract and review procedures pursuant to the Act No 25/2006 on public procurement apply.
UK - South Yorkshire Passenger Transport Executive (PTEG) <i>(response based on bus services outside London)</i>	- Prior to the Local Transport Act 2008 contracts had a maximum life of 5 years. - Now, fixed period of up to 8 years.	Up to 8 years	High Court challenge	As set out in the 1985 Transport Act and Regulation 1370/2007.
UK Mersey Travel	5 years	8 years	In accordance with EU Regulations	In accordance with EU Regulations as set out in the Public Contract Regulations 2006 e.g. Contract Notice, Contract Award Notice
UK Heavy rail <i>(does not include Northern Ireland)</i>	- Variable length. - Shortest: 5 years and 8 months. - Longest: 21 years with a mechanism for significant additional investment for the franchise to continue to its full length.	- Three franchises for which the invitations to tender are being developed and of which the length has not been finally determined. - The intention is a duration of 10 years and maybe longer if a substantial investment proposal	- Referral to the Commission letter of 10 August 2009. - The Public Contracts Regulations 2009 amend the Public Contract Regulations 2006.	- Referral to the Commission letter of 10 August 2009. - The Public Contracts Regulations 2009 amend the Public Contract Regulations 2006.

		justifies it.		
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7. Legislative reform

	Modifications	Consequential adaptation of contracts
AT VOR	<p>- In AT, the entry into force of PSO has generated a number of legislative measures to adjust national law to the new regulation.</p> <p>- Amendments to the "Bundesgesetz über die Ordnung des öffentlichen Personennah- und Regionalverkehrs" (legal framework for public transport in Austria in general) and the "Bundesgesetz über die linienmäßige Beförderung von Personen mit Kraftfahrzeugen" (legal framework for the operation of regular bus services) are in discussion but not yet brought about.</p> <p>- An amendment to the "Bundesvergabegesetz" (BVerG - Act implementing the EC-directives on public procurement) entered into force on 5 March 2010. Apart from some other modifications of this statute having nothing to do with PSO, it is now clarified that the application of Art. 5/2, 4, 5, 6 PSO remains unaffected by the BverG.</p>	The internal review of existing contracts focuses on contracts that are likely not to meet the standard of a "fair competitive tendering process" and expire at short notice
AT (BMVIT)	<p>Adaptations of national legislation have been entailed:</p> <ul style="list-style-type: none"> - Bundesvergabegesetz 2006 (federal public procurement rules/act) – passed. - Kraftfahrliniengesetz (road transport services rules/act) - planned/in negotiation. - Öffentlicher Personennah- und Regionalverkehrsgesetz 1999 (Local and Regional Public Passenger Transport Act 1999) - planned/in negotiation. - Local and Regional Public Passenger Transport Act 1999. - Adaptations of terms and definitions to Regulation (EC) 1370/2007 referring to granting of public payments. - Abandonment of differentiation into undertakings whose activities are confined exclusively to the operation of urban, 	Renegotiations with public service operators and transformation of PSC have/had to take place.

	<p>suburban or regional services and others, pursuant to Council Regulation (EEC) 1893/91.</p> <ul style="list-style-type: none"> - Guarantee of transparency and non-discrimination through entitled and independent bodies. 	
<p>BE Federal Public Service for Transport & Mobility</p>	N/A	N/A
<p>BE Brussels Capital Region</p>	No	N/A
<p>DE Landkreis (county) Bergstraße in the federal State of Hessen</p>	No, the PBefG has not been changed yet.	N/A
<p>DE Rhein-Neckar-Kreis (county) in the federal State of Baden-Württemberg</p>	<ul style="list-style-type: none"> - No, the PBefG has not been changed yet. - Guidelines of the Bundesland in order to implement the Regulation would be contrary to opinions of administrative courts and force authorities to adopt non-legal activities. 	N/A
<p>DE Landkreis (county) Kaiserslautern in the federal State Rheinland-Pfalz</p>	<ul style="list-style-type: none"> - No, the PBefG has not been changed yet. - Guidelines of the Bundesland in order to implement the Regulation would be contrary to opinions of administrative courts and force authorities to adopt non-legal activities. 	N/A
<p>DE Landkreise (counties)</p>	Two guidelines of the Bundesland (26.11.09 and 04.02.10)	N/A

Paderborn and Hoexter in the federal State of Nordrhein-Westfalen		
DE City of Halle in the federal State Sachsen-Anhalt	No	The current contract has been reviewed with the result that it can stay in place because its duration is limited and comparable to those according to Article 4 of Regulation 1370.
DE City of Gelsenkirchen in the federal State of Nordrhein-Westfalen	- New guidelines in Nordrhein-Westfalen for the application of Regulation 1370/2007 and for the licence of transport services in public close-range passenger transport (enacted on 26.11.2009). - Change of local financial compensation system guidelines.	N/A
DE Landkreise (counties) Goettingen (without the city), Northeim and Osterode a.H. in the federal State of Niedersachsen	Guidelines issued by the Bundesland	Not necessary because current contracts meet criteria of Altmark-Trans judgment.
DE City of Leipzig in the federal State of Saxony	Guidelines have been drafted (PBefG has not been changed).	N/A
DE Rhein-Sieg-Kreis (county) in the federal State of Nordrhein-	N/A	N/A

Westfalen		
EN Department for Transport <i>(related to the bus services in England and does not include the Devolved Administrations)</i>	The Department for Transport consulted on changes to the domestic “de minimus” thresholds for the direct awarding of contracts and on amending domestic legislation to permit any local transport authority to impose a maximum fare for all passengers in a particular geographical area (Consultation ended on 1 June 2010).	N/A
IE National Transport Authority	The Dublin Transport Authority Act 2008 and the Public Transport Regulation Act 2009, along with the establishment of the National Transport Authority created a new framework for the funding and management of the PSO subsidy.	There was a move to a contractual relationship with the operators of PSO services. Previously the funding and management were undertaken via annual Memoranda of Understanding.
IT Federmobilità	<ul style="list-style-type: none"> - Between 2007 and 2009: modification of the pre-existing legislation that was less favourable to competition. - Remark: Regulation 1370/2007 is less favourable to competition than the Italian legislation in force in 1997. 	<ul style="list-style-type: none"> - Main review regards PSC for regional railway transport, signed by each Region and the national operator Trenitalia (but were directly awarded as allowed by national law during the transitory period). - The review has transformed the above-mentioned contracts in PSC that were directly awarded for a period of 3-6 years, after which they will be the subject of public tendering processes.
FR GART	No reform occurred yet.	N/A
LT Ministry of Transport and Communications	<ul style="list-style-type: none"> - Amendments of Railway Transport Code, Law on the Basics of Transport Activities. - Resolution of Government on approval of Rules for compensation of losses incurred by RU are being prepared (expected to be passed in April 2010). 	No reviews or terminations have occurred.
LV Ministry of Transport	<ul style="list-style-type: none"> - Establishing of the State Route Network Agency. - On 15 July 2007, the Law on Public Transport Services entered into force; the content of which was aimed at implementation of Regulation N° 1191/69. 	Contracts were not terminated because the contracts made by the year 2007 were concluded on the bases of Paragraph 77 of the Route Regulation stipulating that in order to ensure sufficient and continuous public transport services, in special cases when there is a threat of traffic disruption or insufficiency, the ordering party may issue a single

		journey or short-term attestation, without applying the public transport service award procedure in accordance with the legal requirements.
NL Province of Gelderland	In-house awarding has become a possibility.	The tendering process led to a shake-up of the market: many operators owned by local authorities were sold to foreign operators (privatisation of the Dutch public transport operators).
NL Stadsregio Amsterdam	The national legislation will be adapted to allow direct awarding with regard to Amsterdam, Rotterdam and The Hague if the requirements hereto set by Regulation 1370/2007 are complied with (the current national legislation does not principally allow direct awarding).	No reviews or terminations have occurred.
NL Ministry of Transport	The Dutch PTA 2000 anticipated in Regulation 1370/2007.	No reviews or terminations have occurred.
PL Ministry of Transport	Draft legislation: New provisions introduce close control within the framework of public transport, identifying the competent authorities, the scope of their obligations as well as the legal framework for the activities of commercial carriers, as well as provision of public services in public transport.	N/A
RO Ministry of Transport and Infrastructure	The provisions of the Regulation are applied in Romanian law exactly.	N/A
SE Ministry of Enterprise, Energy and Communications	Regulation 1370/2007 has been a trigger for the current review of the Swedish national legislation on public transport.	The legislative reform will not affect PSC concluded before 3 December 2009.
SK – Ministry of Transport	<u>1) Railway transport</u> - Implementation of 3 railway packages, a complex change of	<u>1) Railway transport</u> - PSC not terminated due to legislative reform.

	<p>railway legislation was prepared.</p> <p>- PSO awards in railway transport in 2011 will be fully in line with Regulation 1370/2007.</p> <p><u>2) Bus transport</u></p> <p>- Adopted Act No 488 of 29 October 2009, amending the Act of the National Council of the Slovak Republic No 168/1996 Coll. on the road transport as amended by later regulations and on amendments of some Acts.</p> <p>- Act entered into force on 3 December 2009.</p>	<p>- Current PSC terminate in December 2010.</p> <p><u>2) Bus transport</u></p> <p>- Yes, the self-administration regions (county councils) in the domestic regular bus services or municipalities (city councils) in the urban bus transport changed contents of PSC concluded before 3 December 2009 in accordance with Article 6 of Regulation 1370/2007.</p>
UK - South Yorkshire	<p>No</p> <p>Note: UK legislation is often more strict than Regulation 1370/2007.</p>	No
UK - Mersey Travel	Unknown	No reviews or terminations have occurred.
UK Heavy rail <i>(does not include Northern Ireland)</i>	No substantive effect.	No reviews or terminations have occurred.

8. Leeway of competent authorities

	Freedom of choice of operator in national legislation	Freedom of choice of award procedure in national legislation	Freedom of choice of compensation method in national legislation	Evolution with Regulation 1370/2007
AT VOR	<p>In context of procurement rules for bus services:</p> <ul style="list-style-type: none"> - There are different ways to achieve the result of a tendering process, depending on which kind of procedure is chosen (open, restricted, negotiated) and whether the order is given to the best or to the cheapest tender. Within this framework it's up to the purchaser of transport services to choose the most suitable procedure to obtain good results. - Within the national threshold values for direct awards (which are far below those of Art 5/4 PSO, see also answer to 7a), there is a complete freedom of choice of the operator. 	Yes (see left)	Yes	<ul style="list-style-type: none"> - Still in progress. - In the draft amendment to the "Bundesgesetz über die Ordnung des öffentlichen Personennah- und Regionalverkehrs" (legal framework for public transport in Austria in general) there is a provision stipulating that the Provinces have to set up new bodies responsible for the transparent presentation of all kinds of compensation and cash flow in connection with non-commercial transport services. An annual report of the Provinces on those payments to the responsible Ministry is supposed to go along with that. - Consideration of the PSO threshold values for direct awards in the amendments to the "Bundesvergabegesetz" (it is now clarified that the application of article 5/2, 4, 5, 6 PSO remains unaffected by the BVergG).

AT (BMVIT)	Yes	Yes	Yes	Renegotiations with public service operators and transformation of PSC have/had to take place.
BE Federal Public Service for Transport & Mobility	No - SNCB/NMBS designated by law.	N/A	Yes	No
BE Brussels Capital Region	The matter is not national.	The matter is not national.	The matter is not national.	N/A
DE Landkreis (county) Bergstraße in the federal State of Hessen	- Yes in principle. - However, the operator also needs a licence according to the PBefG (different authority and procedure) to provide its service, this may jeopardise the decision to choose a particular operator.	National legislation is silent in that regard (direct application of Article 5 Regulation 1370/2007).	Yes	No
DE Rhein-Neckar- Kreis (county) in the federal State of Baden-Württemberg	- Yes in principle. - However, the service provider also needs a licence according to the PBefG (different authority and procedure) to provide its service, this may jeopardise the decision to choose a particular operator. - Additionally, the Bundesland prohibits the authority from securing quality by	National legislation is silent in that regard (direct application of Article 5 Regulation 1370/2007).	Yes	No

	means of tenders if undertakings intend to provide the same schedule services at a lower quality without compensation (priority of services operated on a commercial basis).			
DE Landkreis (county) Kaiserslautern in the federal State Rheinland-Pfalz	- Yes in principle. - However, the service provider also needs a licence according to the PBefG (different authority and procedure) to provide its service, this may jeopardise the decision to choose a particular operator. - Additionally, the Bundesland prohibits the authority from securing quality by means of tenders if undertakings intend to provide the same schedule services at a lower quality without compensation (priority of services operated on a commercial basis).	National legislation is silent in that regard (direct application of Article 5 Regulation 1370/2007).	- The government of Rheinland-Pfalz holds the opinion that due to article 12 (freedom of profession) they are not allowed to grant exclusive rights; nevertheless, they intend to grant such rights relying on Regulation 1370/2007.	No
DE Landkreise (counties) Paderborn and Hoexter in the	Only for public service transport if a granted concession has expired and no	Yes, for public service transport.	Limited	No

federal State of Nordrhein-Westfalen	applications for concessions for the provision of services on a commercial basis which are in the public interest have been made.			
DE City of Halle in the federal State Sachsen-Anhalt	<ul style="list-style-type: none"> - Not directly answered. - Priority according to the PBefG for services operated on a commercial basis. - Both competent authorities are united in the city of Halle. - Choice of the operator is only possible after a deadline in the procedure for licence has been expired. 	<ul style="list-style-type: none"> - Obligation to choose the solution imposing minimum costs for the public, that is in general the case after a procurement procedure according to the VOL (Verdingungsordnung für Leistungen = national rules on publicly procured services). - Nevertheless, procurement procedures are rare because legal situation is not sure. 	No, only compensation payments according to the PBefG are anticipated in the law (respectively reference is made to Reg. 1191/69 in the law)	No
DE City of Gelsenkirchen in the federal State of Nordrhein-Westfalen	Yes	Yes	No, only compensation payments.	No
DE Landkreise (counties) Goettingen (without the city), Northeim and Osterode a.H. in the federal State of Niedersachsen	Licence for line transport services by authority according to PBefG limits choice.	Yes, freedom of choice	The possibility of exclusive rights is checked at the moment.	No
DE	Yes	No new legislation yet.	Yes	No

City of Leipzig in the federal State of Saxony				
DE Rhein-Sieg-Kreis (county) in the federal State of Nordrhein-Westfalen	Yes, as far as known according to the current sec 13a PBefG, as long as the services are not operated on a commercial basis according to sec 8 PBefG.	Referral to answer left, but no detailed legal check was made because so far no tenders have been made.	N/A	N/A
EN Department for Transport <i>(related to the bus services in England and does not include the Devolved Administrations)</i>	Nothing in the domestic legislation prevents local authorities to tender on a non-discriminatory basis.	Yes	Yes	New Local Transport Act will: - give local authorities the right mix of powers to improve the quality of local bus services, as proposed in <i>Putting Passengers First</i> last December following an extensive bus policy review; - allow for the creation of an influential new bus passenger champion to represent the interests of bus passengers; - give local authorities the power to review and propose their own arrangements for local transport governance to support more coherent planning and delivery of local transport; - update existing legal powers so that, where local areas wish to develop proposals for local road pricing schemes, they have the freedom and flexibility to do so in a way that best meets local needs - whilst ensuring schemes are consistent and interoperable.
IE National Transport Authority	Any further growth of the PSO network will be openly tendered.	For future growth of the PSO network: yes.	All compensation made available by the Authority for the provision of public passenger transport services to which a contract applies must	All legislative changes occurred in advance of Regulation 1370/2007.

			be made in accordance with the Annex to Regulation 1370/2007.	
IT Federmobilità	No unconditional freedom in awarding contracts.	<ul style="list-style-type: none"> - In-house awarding only allowed in one case and under exceptional conditions/ The OA shall ask the Competition and Market Authorities' opinion (mandatory to ask the opinion which itself however is not binding). - Direct awarding is allowed only for regional railway services. - Public tendering only allowed if the operator or, as an alternative, the private partner: <ul style="list-style-type: none"> a) purchases at least 40% of the shares of the joint-stock public owned company which provides the services; b) assumes some specific operative tasks in managing those services. 	Compensation for the PSO either through granting exclusive rights and/ or compensation.	<ul style="list-style-type: none"> - The introduction of the possibility to award contracts "in house", which was previously forbidden/ Such "in house" awarding is allowed only in case of particular and exceptional conditions/ Before proceeding to award "in house" Service Contracts, the Authority shall ask the Competition and Market Authorities' opinion (mandatory to ask the opinion which itself however will is not binding). - The possibility of directly awarding regional railway services, which was previously forbidden. - The possibility of proceeding through public tendering not only to choose the operator but also, as an alternative, to choose the private partner which: <ul style="list-style-type: none"> a) purchases at least 40% of the shares of the joint-stock public owned company which provides the services; b) assumes specific operative tasks in the services operation management. - The postponement of the transitory period up to the end of year 2011 / The Italian Government will determine, by decree, the further modalities of application of the above-listed modifications.
FR GART	Yes (constitutional principle)	Yes	Yes	No, except for the Region <i>Ile de France</i> .
LT Ministry of Transport and Communications	Not answered	- Intended to establish by Railway Transport Code 2 ways of concluding PSO contract: direct award or tender.	- Intended to prescribe in national legislation financial compensation as method for compensation of PSO.	- Before Regulation 1370/2007, obligation of the state to compensate PSO and to conclude an agreement was introduced in legal system of railway transport system.

		- <u>In the road sector</u> : National legislation provides possibilities of choosing public service operators / The methods for the award are both open selection and direct award.	- <u>In the road sector</u> : Only financial compensation.	- Therefore amendments of national legislation should not be considered as significant change. - <u>In the road sector</u> : After Regulation 1370/2007, possibility of choosing the public service operator by direct award.
LV Ministry of Transport	Did not answer the question.	Did not answer the question.	Did not answer the question.	No
NL Province of Gelderland	Yes	No / modification is being discussed	Yes	Yes
NL Stadsregio Amsterdam	Yes	Yes	No	N/A
NL Ministry of Transport	Yes	No, PSC must be tendered, unless an exception is provided for by national law or Regulation 1370/2007.	Yes	No changes occurred.
PL Ministry of Transport	<u>Draft legislation</u> : Yes	<u>Draft legislation</u> : Yes	<u>Draft legislation</u> : Yes, but prohibition to grant exclusive rights.	Draft legislation is at the stage of parliamentary work.
RO Ministry of Transport and Infrastructure	The choice is based on their request.	No plan to open a selection procedure for the public services for railway passengers transport.	No	N/A
SE Ministry of Enterprise, Energy and Communications	No, contracts are awarded based on competitive tender processes.	No, contracts must be awarded based on open and competitive tendering processes.	- The national competent authority does not possess the right to make use of exclusive rights as a means of	- No, at first, Article 5 of Regulation 1370/2007 will not be immediately applicable in Sweden. - As for the use of exclusive rights, this is expected to be explicitly prohibited under Swedish national law from 2012 because it contravenes the open market that the new revised national law is meant to

			<p>compensation.</p> <p>- The only method to compensate a public service operator is by means of financial compensation.</p>	<p>establish.</p>
<p>SK Ministry of Transport, Posts and Telecommunications</p>	<p><u>1) Railway transport</u> - Yes, national legislation respects Regulation 1370/2007.</p> <p><u>2) Bus transport</u> Yes</p>	<p><u>1) Railway transport</u> Yes</p> <p><u>2) Bus transport</u> Yes</p>	<p><u>1) Railway transport</u> - Yes, national legislation respects Regulation 1370/2007.</p> <p><u>2) Bus transport</u> Yes</p>	<p><u>1) Railway transport</u> - Act on Transport on Infrastructure No. 514/2009 Coll. has taken into account Regulation 1370/2007.</p> <p><u>2) Bus transport</u> - The self-administration regions (county council) in the domestic regular bus services or the municipality (city council) in the urban bus transport can conclude PSC with carriers chosen in the public tender or by directly awarding pursuant to Regulation 1370/2007. - Awarding contract and review procedures pursuant to Act No 25/2006 Coll. on public procurement and on amendments apply.</p>
<p>UK - South Yorkshire Passenger Transport Executive (PTEG) (response based on bus services outside London)</p>	<p>Only within <i>de minimis</i> rules and Regulation 1370/2007.</p>	<p>Only within <i>de minimis</i> rules and Regulation 1370/2007.</p>	<p>- Choice depends on who takes revenue risk.</p> <p>- A quality contract would allow exclusive rights to be granted, but still allow the choice in respect of revenue risk.</p>	<p>No</p>
<p>UK Mersey Travel</p>	<p>Choice of operator is determined by the tendering process.</p>	<p>Yes</p>	<p>N/A</p>	<p>Not aware of any changes.</p>

UK Heavy rail <i>(does not include Northern Ireland)</i>	Yes	The usual position is that the Department for Transport appoints franchisees following a competitive tendering process.	The usual position is that the Department for Transport appoints franchisees following a competitive tendering process.	No
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9. RAILWAYS

	Exemptions PNR	Criteria for economic equilibrium	Levy
AT VOR	N/A	N/A	N/A
AT (BMVIT)	<ul style="list-style-type: none"> - No exemptions of application referring para 4 and 6 under article 2. - Complete exemption of application for urban transport services (article 2/5). - Exemption of application of articles 13/2, 16, 17, 18/2 and 4, 27/3 and 28 for suburban and regional transport services (article 2/5). - Exemption of application of article 8/1 and 2 for suburban and regional transport services only if the specific information is not available. - Exemption of application of article 15 for suburban and regional transport services insofar as the passenger is obliged to use reasonable alternative public transport modes and the compensation is limited by € 50 for the necessary use of a taxi and limited by € 80 for the necessary overnight reservation. 	Yes, the specific criteria have to be set up by the Austrian regulatory body according the principles laid down in recital 12 of Directive 2007/58/EC.	No levy (article 10/3f) planned in the Austrian legislation.
BE Federal Public Service for Transport & Mobility	Derogation from Annex II to Regulation 1371/2007, in order to phase out the used rolling stock	No	N/A
BE Brussels Capital	N/A	N/A	N/A

Region			
EN Department for Transport <i>(related to the bus services in England and does not include the Devolved Administrations)</i>	N/A	N/A	N/A
IE National Transport Authority	<ul style="list-style-type: none"> - Domestic rail passenger services have been exempted from the provisions of Regulation 1371/2007. - The exemption of urban, suburban and regional rail passenger services will be considered in the context of any future decision to apply the provisions of the regulation to inter-city passenger rail service. - The question of an exemption for particular international rail passenger services or journeys did not arise in Ireland. 	<ul style="list-style-type: none"> - Ireland holds a derogation from the provisions of article 30 of Directive 2001/14/EC. - The national regulations which transposed Directive 2007/58/EC provide for the establishment of a panel to determine the principal purpose of a proposed passenger rail service and if the economic equilibrium of an existing rail public service contract would be compromised. - The determination of this panel may give rise to a decision to instruct the infrastructure manager to limit access to the proposed passenger rail service in this regard. 	No
IT Federmobilità	As a consequence of the recent national norms, the exemptions apply also to the regional railway services.	<ul style="list-style-type: none"> - Competence of the Regions. - The traditionally low tariff levels of the regional and local public transport by railway determine an economic disequilibrium in the management of the PT business. - The state transfers annually funds to the Regions to allow them to pay the compensation relevant to the Service 	Legislative Decree nr. 188/2003: The railway companies pay the infrastructure administrator for the right of access, the amount is determined by the administrator.

		<p>Contracts with the railway companies which operate regional and local railway public transport services.</p> <p>- Legislative Decree nr. 188/2003 regulates:</p> <p>a) the use and management of the railway infrastructure dedicated to the railway transport services, national and international, as well as the principles and the procedures to be applied in determining the rights due for its utilisation;</p> <p>b) the railway transport activity performed by the railway companies operating in Italy and the criteria for granting, extending and modifying the permission for railway companies and international grouping of railways companies to provide railway services;</p> <p>c) the right of access to the railway infrastructure for railway companies or international grouping of railways companies;</p> <p>d) the principles and the procedures to be followed in subdividing the railway infrastructure capacity and in collecting the rights due for the use of the infrastructure.</p> <p>Legislative Decree nr. 188/2003 does not apply to:</p> <p>a) isolated regional and local railway networks, to be used for the transport of passengers;</p>	
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		<p>b) the railway networks to be used only for urban and suburban services for passengers;</p> <p>c) the regional railway networks to be used only for supplying regional freight services, provided by a railway company which activity is limited to operating transport services of regional and local interest as well as interregional of local interest, until another railway company requests capacity.</p>	
FR GART	N/A	N/A	N/A
LT Ministry of Transport and Communications	<p>Exemptions shall be granted by Railway Transport Code when approved by Parliament:</p> <ul style="list-style-type: none"> - Provisions of par. 2 and 3 Article 8, Articles 13, 21, 22, 23, 24 will be applied from 3 December 3,2014. - Provisions of the Regulation for international services to third countries when a significant part of the rail passenger service is operated outside the Community will be applied from 3 December 2014. 	N/A	No levy imposed
LV Ministry of Transport	N/A	N/A	N/A
NL Province of Gelderland	N/A	N/A	N/A
NL	No	N/A	N/A

Stadsregio Amsterdam			
NL Ministry of Transport	No exemptions granted	The primary legislation indicates that criteria will be set in secondary legislation (which will probably not be adopted before February 2011 due to the upcoming elections and ongoing process of forming a new Cabinet).	There is no levy for Railway Undertakings. However, some of them have to pay a yearly concession fee.
PL Ministry of Transport	<ul style="list-style-type: none"> - Derogations under Article 2 (4 to 6) of Regulation 1371/2007 until 1/07/2011. - Possible extension until 03/12/2014. - Exclusion of urban, suburban and regional passenger railway services. 	The days and times that the trains stop at railway stations, the frequency that the trains run in a given time period as well as the number of connections, the number of seats offered in first class and second class as well as the breakdown into particular types of car and types of train, the categories of the trains, the commercial speed of the trains, the tariffs offered, the forecast proceeds earned from the transport of passengers on the train routes, the profitability of the provision of the public services, the amount of compensation borne by the organisation, which entered into the contract for providing public services on a given train route, the number of station stops within the territory of the Republic of Poland and beyond its borders.	N/A
RO Ministry of Transport and Infrastructure	Yes, exemptions are granted under Article 2 (4), (5) and/or (6) of the Regulation on rail passengers' rights and obligations.	In progress	In progress
SE Ministry of Enterprise, Energy and Communications	<ul style="list-style-type: none"> - So far not granted any exemptions. - However, the question whether exemptions should be granted is currently under consideration. 	Article 10(3b) in Directive 91/440/EEG as amended by Directive 2007/58/EG has not been applied in Sweden. Consequently there is no need for determining whether the economic equilibrium of a rail public service contract would be compromised,	Article 10(3f) in Directive 91/440/EEG as amended by Directive 2007/58/EG has not been applied in Sweden.

		and consequently the legislation does not set out any criteria for such assessments.	
SK Ministry of Transport, Posts and Telecommunications	<ul style="list-style-type: none"> - MTPT SR granted exemptions under Article 2 (4) and (5) of the Regulation on rail passengers' rights and obligations for railway operator ZSSK which requests a granting of exception. - Under Article 2 (4) exemption from the application of the provisions 8,13,15, 17, 18, 21, 22, 23, 25, 28 of the Regulation for domestic rail passenger services was granted. - Under article 2(5) of the Regulation on rail passengers' rights and obligations exemption from the application of the provisions 9, 11, 12, 19, 20 (1) and 26 for urban, suburban and regional rail passenger services was granted. - Exceptions were granted for 5 years. - Progress attained will be evaluated annually. 	<ul style="list-style-type: none"> - Maximum tariffs and tariffs for certain categories of passenger are settled by Regulatory authority. - Takes into consideration eligible cost of railway operator, reasonable profit, purchase-capacity of passengers, fare of competitive modes of transport and available resources of public budgets for compensation. - MTPT SR, as competent authority, with cooperation of Ministry of educational system and Ministry of Social Affairs, determines special categories of passenger that railway operator is obliged to carry for special fare. 	<ul style="list-style-type: none"> - Set of qualitative indicators is stated in the contract's appendix. - All indicators must be fulfilled by operator, otherwise sanctions will apply. - Contract is evaluated annually and sanctions are taken into account.
UK - South Yorkshire Passenger Transport Executive (PTEG) <i>(response based on bus services outside London)</i>	Not answered	Not answered	Not answered
UK Mersey Travel	N/A	N/A	N/A
UK	- Exemptions granted for all domestic	- Not for the Channel Tunnel since it is not	Not applicable.

Heavy rail <i>(does not include Northern Ireland)</i>	services in GB for a period up to 5 years from December 2009 under Art. 2(4) of Regulation 1370/2007 through the Rail Passengers' Rights and Obligations (Exemptions) Regulations 2009. - The exemptions can be renewed for 2 further periods of 5 years / can be removed in whole or in part following a review in mid 2010.	anticipated that it will be used for passenger transport under PSO. - For GB: Article 29A of the Railway Infrastructure (Access & Management) (Amendment) Regulations 2009 allows for the Office of Rail Regulation (ORR) to assess the economic equilibrium of PSC. - The ORR has set out criteria it would consider and the approach it would use, of which an updated version will be published when necessary.	
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10. COMMENTS

	Weaknesses / Gaps	Measure to improve	General comments
AT VOR	N/A	N/A	N/A
AT (BMVIT)	N/A	N/A	N/A
BE Federal Public Service for Transport & Mobility	N/A	N/A	N/A
BE Brussels Capital Region	N/A	N/A	N/A
EN Department for Transport <i>(related to the bus services in England and does not</i>	N/A	N/A	N/A

<i>include the Devolved Administrations)</i>			
IE National Transport Authority	N/A	N/A	N/A
IT Federmobilità	<ul style="list-style-type: none"> - Federmobilità has expressed some remarks and recommendations regarding the contents of the Decree proposal, which details some aspects regarding the application of the most recent provisions, that regard both competition and the non-compliance with with some law provisions. - Some Regions claimed with the Italian Constitutional Court against specific parts of the new national law, in particular claiming for their legislative autonomy to define the minimum shares of the private participation to the publicly owned companies and, as a consequence, the maximum shares of the public participation. 	<ul style="list-style-type: none"> - The task to better define the modalities for the assignment of exclusive rights should be granted to the Regions. - The Government Decree should harmonise the following aspects: <ul style="list-style-type: none"> a) The transitory period until the norms will be completely in force. b) The transitory period during which the operators, which have been directly awarded the services and are in possession of the other needed requirements, are allowed not only to participate in the public tenders regarding the award of the contracts for the services they are now operating, but also to the tenders for the assignment of the PT services in other basins and to the tenders which will be issued to purchase a minimum share of publicly owned companies together with the assignment of specific tasks for the services management. 	N/A
FR GART	<ul style="list-style-type: none"> - Ile-de-France: The provisions regarding direct awarding. Specifically the fact that the Decree of 1949 on the coordination of transport is still in force. - SNCF: LOTI still guarantees the monopoly of the SNCF. - JOUE: Obligation to pre-inform 	<ul style="list-style-type: none"> - Guidelines from the Commission with regard to the interpretation of Article 8 of Regulation 1370/2007 (transition period). - A standardised form from the Commission for the information that needs to be published in advance in the Official Journal. 	N/A

	JOUE before a tendering process is launched.		
LT Ministry of Transport and Communications	/	/	/
LV Ministry of Transport	/	/	All provisions of Regulation 1371/2007 on Rail Passengers' Rights and Obligations, Latvia will apply only from 3 December 2014, except Articles 9, 11, 12, 19, 20.1. and 26 which already are applied.
NL Province of Gelderland	<ul style="list-style-type: none"> - Article 5(3) of Regulation 1370/2007 provides for possible negotiations in compliance with the principles of non-discrimination and transparency: This is important to allow developing the offer qualitatively during the execution of the contract – but how far could the negotiations go? There is a need for a framework. - Extra-administrative burdens. - Article 7(2) on the obligation to publish a year before the tendering process the way in which the tender will proceed is a dangerous provision if it means that the whole procedure has to be recommenced if this provision is not complied with. 	See left.	See left.
NL Stadsregio Amsterdam	The national legislation that will allow direct awarding has not yet been adapted. Therefore it is unsure whether all the requirements of Regulation 1370/2007 will be fulfilled.	<ul style="list-style-type: none"> - More transparency about the content of the amendment of the law from the competent ministry is necessary. -The amendment should happen soon. 	N/A

NL Ministry of Transport	The regulatory framework is in accordance with European Union Law.	There is no need for improvements since the regulatory framework is in accordance with European Union Law.	1 questionnaire should suffice in the future (they received questionnaires from the European Commission and from other Member States).
PL Ministry of Transport	Regulation 1370/2007 has not had any material effect (yet).	It is anticipated that the enactment of the draft law on collective transport will improve the functioning of collective transport in Poland and will be a better basis for the implementation of Regulation 1370/2007.	
RO Ministry of Transport and Infrastructure	N/A	N/A	N/A
SE Ministry of Enterprise, Energy and Communications	N/A	N/A	N/A
SK Ministry of Transport, Posts and Telecommunications	A national regulatory framework has been established on the basis of existing European legislation.	N/A	- According to Article 7(1) Regulation 1370/2007, it is compulsory for a competent authority to publish annually an aggregated report on PSO for which it is responsible. It is not stated how it should be published and where it should be published. - Also Article 7(3).
UK - South Yorkshire Passenger Transport Executive (PTEG) <i>(response based on bus services outside London)</i>	N/A	N/A	- The implementation in regard to transitional arrangements is not clear. - The UK has not published material explaining its compliance with domestic UK legislation.

<p>UK Mersey Travel</p>	<p>- Local bus service contracts can, realistically, only be bid for and accepted by operators which are locally based and already have the relevant licences to operate. - The tendering process does not allow sufficient time for any non-locally based operator to obtain the relevant licences. - Therefore, why are such tenders advertised through the OJEU process since a request from anyone based outside the UK has never yet been received?</p>	<p>Withdraw local bus service tendering from the OJEU process or raise the financial thresholds.</p>	<p>N/A</p>
<p>UK Heavy rail <i>(does not include Northern Ireland)</i></p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>