

## Annex IV - Questionnaire to competent authorities

### Questionnaire

*Please fill in the questionnaire electronically. Feel free to change the size of the tables according to your needs. You may provide additional comments under each answer. In case of non-availability of the requested data, use the abbreviation "n/a". Please mention in your answers the relevant references. Thank you in advance for your cooperation.*

Reply of *[insert the name of your institution]* at *[insert the date]*

*[Please indicate the country and the Region/locality in which you are a competent authority for organising public transport]*

#### 1. Scope

a. Please indicate whether you (or the national/regional legislator) have decided to apply Regulation 1370/2007 to public passenger transport by inland waterways and to national sea waters, pursuant to Article 1(2) of Regulation 1370/2007.
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b. Please indicate whether and to what extent you (or the national/regional legislator) have issued general rules to establish maximum tariffs for all passengers or for certain categories of passengers, pursuant to Article 3(2) of Regulation 1370/2007.
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c. Please indicate whether and to what extent you (or the national/regional legislator) have excluded from the scope of the Regulation general rules on financial compensation for public service obligations which establish maximum tariffs for pupils, students, apprentices and persons with reduced mobility, pursuant to Article 3(3) of Regulation 1370/2007.

## 2. Public service obligations

a. Please describe the way you define public service obligations (PSO) (e.g. type of PSO obligations imposed and relative economic justification, including specific tariffs).
b. Please describe how you ensure the discharge of PSO (e.g. type of reward offered by transport authorities, namely financial payments and/or exclusive rights).

## 3. Public service contracts

a. Please describe the scope of public service contracts (PSC) (e.g. a particular route, a whole network, national and/or international services, etc.).

b. Please describe the basic features of public service contracts (PSC) (e.g. mandatory content, ancillary clauses, clauses allowing changes in case of exceptional circumstances, terms on the service, including quality, frequency, proximity, availability, fares, etc).

c. Please specify the nature and scope of the general rules adopted pursuant to Article 3(2) of Regulation 1370/2007, if any.

#### 4. Compensation of public service obligations

a. Please describe how you address the issue of avoiding overcompensation (including parameters on the basis of which compensation shall be calculated).
b. Please describe the scheme you use to calculate the net financial effect of carrying out PSO.
c. Please describe how you address the issue of avoiding cross subsidies to undertakings who are active in both commercially viable and PSO services (e.g. incidence of compensations on total revenues from the selling of tickets, cost allocation rules).

d. Please specify whether and how in the formulation of PSC you deal with the effects of unforeseen, significant external events (such as severe economic recessions) that have an impact on the economic balance of PSC.
e. Please describe how you guarantee that the method of compensation promotes the maintenance or development of:  effective management by the public transport operator, which can be subject to an objective assessment, and  the provision of passenger transport services of a sufficiently high standard.

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5. The award of public service contracts

a. Please indicate whether and to what extent you make recourse to the award of the service to internal operators.
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b. Please describe the basic features of such internal operators (corporate name, statutes, ownership, field of activity in terms of territory/services covered...etc.).
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c. Please indicate the extent of the recourse to direct awards and the selection criteria applied.
d. Please indicate the extent of the recourse to tender procedures.
e. Please indicate whether, to what extent and how the public transport operator(s) make(s) recourse to sub-contractors for the provisions of the public service.

f. Please indicate how you awarded public service contracts before 3 December 2009 and specify the legal basis (e.g. public procurement rules, etc.)?

6. Duration and other procedural aspects relating to public services contracts

a. Please provide the duration of public service contracts with reference to already existing contracts.
b. Please provide the duration of public service contracts for contracts whose award procedure started after 3 December 2009.



c. Please describe the review-appeal procedure of the award procedures concerning public service contracts.
d. Please describe the transparency/publication requirements relating to such procedures.

7. The legislative reform at national level

a. Please indicate if and to what extent the entry into force of the Regulation 1370/2007 has triggered a reform of the national/regional/local legislation applying to public services obligations and public services contracts for road and rail passengers transports.

b. Please specify whether and to what extent the legislative reforms led to a review or a termination of public service contracts concluded before 3 December 2009.

#### 8. Leeway of competent authorities

a. Does the relevant national legislation provide you the freedom of choice of the public transport operator?

b. Does the relevant national legislation provide you the freedom of choice of the method (direct award or open selection) for the award of the public transport operator?

c. Does the relevant national legislation provide you the freedom of choice of the method (e.g., levy, exclusive right, financial compensation, etc.) for compensation of public service obligations?
d. Is it possible to report significant changes in national legislation in relation to the above mentioned points (a. b. and c.) after the entry into force of Regulation 1370/2007?

#### 9. Rail passengers' rights

*This question is to be answered **only** by competent authority for organising **rail** public transport services.*

Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations entered into force on 3 December 2009. This regulation potentially applies to rail services which are subject to PSO.

Please indicate whether and to what extent you have granted exemptions under Article 2 (4), (5) and/or (6) of the Regulation on rail passengers' rights and obligations (exemptions for domestic rail passenger services, for urban, suburban and regional rail passenger services, for particular services or journeys because a significant part of the rail passenger service is operated outside the Community).

#### 9. Liberalisation of international rail passenger's services

*This question is to be answered **only** by competent authority for organising **rail** public transport services.*

Directive 2007/58/EC of the European Parliament and of the Council of 23 October 2007 amending Council Directive 91/440/EEC on the development of the Community's railways and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure opens up international passenger rail services. This Directive has been negotiated and adopted in parallel with Regulation 1370/2007 because of the interaction between both set of legislations.

a. Does the relevant national legislation set out criteria for the regulatory body or bodies referred to in Article 30 of Directive 2001/14/EC to determine whether the economic balance of a rail public service

contract would be compromised? Please specify.
b. Please describe the mechanism of levy, if any, which is imposed on Railway Undertakings providing passenger services.

#### 10. Comments

a. What are in your opinion the weaknesses of or gaps in the current national regulatory framework, if any?
b. Which measures would you suggest to improve the situation?
c. Should you have any other comment on the implementation of Regulation 1370/2007, please feel free to indicate it hereafter.

