Passenger transport by rail, road, inland waterway: competition, public service exigences and contracts (repeal. Regulations (EEC) No 1191 /69 and (EEC) No 1107/70)

2000/0212(COD) - 27/03/2006

The Council held a policy debate on a revised proposal for a regulation of the European Parliament and of the Council on public passenger transport services by rail and by road and took note of the progress report presented by the Presidency.

The Council instructed the Permanent Representatives Committee to examine the proposal further in the light of Council's policy debate with a view to reaching political agreement at the Transport, Telecommunications and Energy (TTE) Council on 8 and 9 June.

To give structure to the policy debate, the Presidency prepared a questionnaire focusing on the following issues:

1) The sort of transport services for which competent authorities could be allowed to grant direct awards: in the light of the statement entered in the Council minutes of 5 December 2005, delegations agreed with the possibility of allowing direct awards for regional and long-distance rail transport as proposed in the draft regulation. A significant number of delegations, supported by the Commission, agreed to extend direct awards to all heavy rail services, thus including suburban rail and integrated rail networks.

Although some delegations were in favour, other delegations, including the Commission, rejected the possibility of the extension of direct awards to all public passenger transport contracts arguing that it would seriously undermine the objective of the proposed regulation.

A limited number of delegations could support the idea of allowing Member States to take measures against transport operators that had been granted a direct award elsewhere and that wanted to participate in a tendering procedure.

2) The need to allow existing contracts to continue until their expiry date, in particular as regards the manner in which these contracts have been allocated and their duration: many delegations agreed to allow public service contracts which had been awarded after a fair competitive tendering procedure to continue until their date of expiry. In addition, several delegations suggested to allowing continuation until expiry of contracts that had not been tendered, some of them mentioning that special attention must be given to the need for a solution for long term contracts.