



17.11.2022

NOTICE TO MEMBERS

Subject: Petition No 0476/2022 by Moraru Ioan (Romanian), on behalf of the Association of Road Personnel Transporters from Vaslui County, on alleged non-compliance with Regulation (EC) no 1370/2007 on public passenger transport services in Romania

1. Summary of petition

The petitioner, representing the Association of Road Personnel Transporters from Vaslui County, Romania draws attention to alleged non-compliance with Regulation (EC) no 1370/2007 by the Vaslui County Council, a contracting entity of a public utility service, of county transport within Vaslui County. The petitioner alleges that the Vaslui County Council issued a decision in December 2021 for the study of opportunity to award the service of transport on groups of routes as indicated by the European Regulation. He considers that under pressure from some transport operators with obscure interests to corner the market and to execute only the purely commercial routes, the County Council decided on 05.05.2022 to change awarding procedure for one that would call for offering the service on each individual route. The petitioner states that this way there will be overcompensation on some routes only and this decision affected many transport operators which invested and prepared for the award procedure by purchasing vehicles and even partnering to group the necessary number of means serve the groups of routes.

2. Admissibility

Declared admissible on 29 August 2022. Information requested from Commission under Rule 227(6).

3. Commission reply, received on 17 November 2022

Regulation (EC) No 1370/2007 on public passenger transport services by rail and by road ('the

Regulation')¹ lays down how Member States and their competent authorities may guarantee the provision of public transport services by establishing and compensating for public service obligations.

Public service obligations are designed to ensure the provision of public passenger transport services that an operator, if it were considering its own commercial interests, would not assume to the same extent or under the same conditions without reward.

The Regulation does not preclude competent authorities from establishing public service obligations on a line-by-line basis, rather than for bundles of lines. However, it is for those authorities to ensure that such obligations are defined in compliance with the rules laid down in the Regulation. The Regulation does not preclude competent authorities from grouping cost-covering and non-cost-covering services in public service contracts, subject to the principle of proportionality.

The petitioner has not brought concrete evidence in support of his claim. In any event, although the Commission is not precluded from looking into any alleged infringement of EU law, isolated instances of possible wrongful application are usually dealt with more effectively by national courts.

Conclusion

Given the circumstances, if the petitioner considers that, as a result of the Romanian authorities' decision, to tender bus public service contracts in the Vaslui County Council on a line-by-line basis, those contracts are not compliant with the provisions set out in the Regulation, the Commission takes the view that, at this stage, the best course of action for the petitioner is to bring legal proceedings before a Romanian court.

¹ Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) Nos 1191/69 and 1107/70, *OJ L 315*, 3.12.2007, p. 1–13; <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32007R1370&qid=1668681928799>