



Comments of the association of European Metropolitan Transport Authorities (EMTA) on the Green Paper on services of general interest prepared by the European Commission– COM(2003)-270.

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Introduction

The association of European Metropolitan Transport Authorities (EMTA) brings together 28 public authorities in charge of the public transport networks of the European largest cities. These authorities plan, co-ordinate, fund and improve constantly the quality of public transport systems serving more than 70 million European citizens.

The Members of EMTA have welcomed the release by the European Commission of a Green Paper on services of general interest on 21st May 2003, and the debate that the Commission has thus opened. The Green Paper of the Commission is all the more welcome as public service obligations in the field of public transport are a hot issue at the moment, as is illustrated by the draft new Regulation on public service requirements in passenger transport which has been discussed for more than three years in Brussels, or the current legal cases on financial compensations of public service requirements in the field of passenger transport at the European Court of Justice (Magdeburg). It would have certainly been more logical if the debate on the notion of services of general interest had come first, and the legal implementation after, but as the saying goes, it is better late than never.

The notion of services of general interest itself has changed over the past decades, and it is necessary to define it on an objective basis. Sectors which used to be regarded as key components of services of general interest as air transport have been deeply transformed over the past decades and in most European countries, they are now treated as commercial industries like any other one without specific public service requirements imposed on companies. Contrary to this, regional and local public transport of passengers remains, as we will explain, more than ever a service of general interest and needs a legal framework enabling this specificity to be preserved.

The need of mobility of the populations has never been so great (urban expansion leads to increasing distances for the every day trips, the development of female work and of social life sparks new trips), and, at the same time, the private modes of transportation are unable to cope with this situation.

The private car, which was once regarded as the universal solution to the mobility needs, will never be accessible to all the people for reasons that have to do with age (children), health (disabled persons), or money (not all households can afford a car and the costs associated with it such as petrol, parking, etc.). Moreover, the nuisances caused by the excessive use of the private car (pollution, noise, accidents, congestion, space consumption) are now widely acknowledged and mean that public authorities have no choice but to implement policies leading to a reduction of car traffic. Public transport is therefore not only better for society as a whole, which in itself would already justify that public authorities promote it, but also indispensable for millions of European citizens as the sole supplier of affordable mobility. Public transport providing mobility for all should be regarded as a basic service for citizens.

Passenger transport authorities, whose mission is to ensure that citizens are provided with public transport services sufficient both in quantity and quality, and accessible to everyone independently of financial resources and of physical or psychological handicaps, are responsible for the definition of the objectives of general interest that public transport must comply with. Transport authorities shall define the public service obligations that companies, public or private, must comply with and aim to combine the objectives of social cohesion and universal service with the necessary efficient use of public money.

Although these tasks are mostly local ones, which local authorities can best manage, the passenger transport authorities of the European metropolitan areas think it is important to have a European framework setting general guidelines for the actions of Member States and of local authorities, as is explained below.

**Position of EMTA passenger transport authorities on some of the issues raised
by the European Commission**

1- Subsidiarity (questions 1, 2, 3 and 4)

Services of general interest form, as says the Green Paper of the Commission, “an essential element of the European model of society”. Whether they refer to education, water supply, access to telecommunication networks, or lastly, public transport systems, the notion of “universal access” is central, meaning that nobody should be deprived from these basic services and that the society as a whole benefits from their quality.

In this context, it is obvious that the provision of services of general interest should be an objective of the European Union, which aims, as stated in the Treaty of European Union, to *“promote economic and social progress for their peoples, taking into account the principle of sustainable development and within the context of the accomplishment of the internal market and of reinforced cohesion and environmental protection, and to implement policies ensuring that advances in economic integration are accompanied by parallel progress in other fields »*.

In accordance with the principle of subsidiarity, the European Union should :

- define the objectives of services of general interest valid for the whole European Union;
- ensure that, as stated in the Treaty, advances in economic integration are not achieved at the expenses of the quality of services of general interest and thus don't lead to social regressions.

To this end, the European Union shall define what should be the minimum requirements of services of general interest, as it has already started to do in some sectors. As far as public transport is concerned, this could mean requirements in the field of accessibility of public transport systems to people with reduced mobility, of polluting emissions of public transport vehicles, of reduction of car traffic in the European countries, etc. This doesn't necessarily imply new powers for the European Community, but certainly the definition of a policy at the European level.

The new approach recommended calls for a clarification of the responsibilities between the Community level on the one hand, and the Members States and local authorities on the other hand. In the case of regional or local public transportation systems, local authorities (regional, metropolitan or municipal) are the best placed to define the policies of mobility on the basis of the local needs, and they should therefore have the choice of the tools enabling to meet the objectives set at the European level.

2- Sector-specific legislation and general legal framework ; a common set of obligations (questions 5, 6, 9 and 19)

The passenger transport authorities of the European metropolitan areas think that the legal framework of public transport operations in Europe could be improved in accordance with the principles mentioned in answer 1, and contain more precise and compelling objectives in terms of:

- reduction of car traffic;
- reduction of the number of fatalities of road traffic;
- accessibility of public transport systems to people with reduced mobility;
- availability of public transport systems;
- affordability of public transport systems to all categories of passengers;
- maximum levels of polluting emissions and of noise of public transport systems;
- possibility for passenger transport authorities to impose public service requirements to operating companies and to compensate them for the cost of complying with the requirements;
- obligation for authorities to sign a public service contract with operating companies in charge of operating services of general interest;
- obligation to respect the rules of transparency and of competition when public transport authorities decide to ask operating companies to provide services of general interest (this shall not concern in-house production);
- infrastructure charging principles.

Public transport authorities have the impression that the existing European regulations in the field of public transportation have been motivated mostly by the will to achieve the common European market by the removal of barriers to competition, rather than by the wish to promote high level public transport systems enabling a sustainable mobility. Even though increased competition has often led to improvements in public transport services, it cannot replace the political will which is entitled to define the level of services of general interest needed for society.

Public transport authorities don't have any opinion so as to whether the necessary European framework on services of general interest shall remain sectoral or become general, provided that the specificities of the public transport sector are seen to in the European legal

framework. Concerning the type of legal instruments that should be used by the European Union, passenger transport authorities are once again not directly concerned by this question. However, it is true that directives, which have to be translated into national legal frameworks by national governments and parliaments, are perhaps a more flexible tool which can also lead to a greater involvement of national authorities and thus a stronger acceptance of the rules.

3- Exchange of best practices and benchmarking (question 20)

The public transport authorities of the European metropolitan areas believe in the value of exchanging best practices ; this is one of the “raisons d’être” of EMTA. They think that the initiatives developed by the European Commission in the field of local transport (benchmarking, CIVITAS, research projects on institutional frameworks such as MARETOPE or on integration of transport networks) are a useful tool enabling local authorities to learn from the successful experiences. They should therefore be pursued in the future, and perhaps more importantly, their results should be made more widely available.

A limit of the current initiatives lies in the fact that it is always the same local authorities, already convinced and well committed to achieve a sustainable mobility on their territories, which take part in the projects described, and that most other authorities are never heard of, nor never hear of European benchmarking initiatives. A solution would perhaps be to include more systematically all the cities of a given category, and not only the cities which express the wish to take part in the benchmarking exercise. In the case of the large metropolitan areas, it should not be difficult to survey systematically the 50 or so urban areas with more than 1 million inhabitants in the EU25. EMTA has already started such a process with its Barometer of public transport in the European metropolitan areas¹.

4- Evaluation (questions 25, 26, 27 and 28)

Benchmarking exercises in the field of public transport should, among other indicators, look at least at the following ones:

- the modal share of private and public transport as well as alternative modes of transport (biking, walking);
- the percentage of public transport vehicles and stations accessible to people with reduced mobility;
- the percentage of public transport routes and stations with real time information devices;

¹ Can be downloaded from EMTA’s website (www.emta.com)

- the average age of the rolling stock;
- the percentage of population within reach of a heavy public transport system and of any kind of public transport mode;
- the average cost of public transport services to passengers;
- the cost coverage ratios of public transport operations by fare revenues;
- the efficiency of public transport operations measured in terms of vehicle.km by driver or by vehicle;

This would imply the definition of common indicators accepted in the whole of Europe. But isn't this the first step towards a real improvement of services, since without a precise knowledge of reality, it is not possible to make progress ? It should also be noted that in most cases, such indicators are already available. The main question is rather to harmonise the definitions so as to get really comparable data. Works on this issue are under way at the European Commission and at the European Conference of Ministers of Transport.

Citizens could be involved in the evaluation process in two ways:

- by asking their opinion on the quality of public transport services in Europe. Many public transport authorities of European cities already ask their citizens regularly what they think of their public transport services, and the results of these surveys are made available². In some cases, they are even used to determine the amount of incentives paid to transport companies (as in Stockholm);
- by creating a structure in charge of the evaluation of the policies of the European Union in the field of services of general interest, or in the field of transport more specifically, in which representatives of the citizens could be present. Many European cities already have such "public transport users committees".

5- Financing (questions 21 and 22)

As far as public transport operations are concerned, public authorities are waiting for the decision of the European Court of Justice in the Magdeburg case to know if they can go on compensating transport operating companies for the cost of public service requirements without having to refer to the European Commission. They think it is not logical that the rule in such an important issue shall be said by a decision of justice, and they therefore call on the

² Many issues of EMTA News, the quarterly letter of information of EMTA, contained articles on this topic. For more information: www.emta.com

European authorities to do their job and adopt as fast as possible a new legal framework that will restore legal certainty³.

As already mentioned, the passenger transport authorities of the European metropolitan areas think that they must be able to compensate transport companies for the cost of public service requirements imposed on them. There should be no limitation to this principle provided that the compensation paid to the transport companies covers only the cost generated by the obligation imposed, and that the companies are efficient enough to ensure that the public money is not used to encourage inefficient structures. Efficiency can be best obtained through competitive procedures when public service contracts are awarded to companies, and through benchmarking and incentives to good management in the case of “in-house” production of services.

6- Development co-operation (question 30)

The European Union should promote worldwide, and more specifically towards developing countries, its model of society which combines economic development and social cohesion. In the field of public transport, there is a lot to do since the trends currently observed are towards a fast development of car traffic. It is also in the interest of the EU to co-operate in this field since the consequences of the development of car traffic in the world will have potential heavy consequences worldwide (greenhouse gases), including therefore in Europe.

The European Union should organise and fund co-operation programmes with developing countries focusing on public transport organisation and funding, and encourage its Member States and local authorities to do the same at their levels.

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³ See the latest position (March 2003) of EMTA transport authorities on the draft European regulation on public service requirements in the field of passenger transport (www.emta.com)

List of public transport authorities belonging to the association of European Metropolitan Transport Authorities (EMTA)

AMSTERDAM (ROA)

ATHENS (OASA)

BARCELONA (ATM)

BILBAO (CTB)

BRUSSELS (Ministère de la Région de Bruxelles)

DUBLIN (DTO)

FRANKFURT-RHEIN MAIN (RMV)

GENEVA (Office des Transports et de la Circulation)

HELSINKI (YTV)

LISBON (Camara Municipal)

LONDON (GLA)

MADRID (CTM)

MANCHESTER (GMPTE)

MILAN (Comune di Milano)

OSLO (AS Sporveier)

PARIS-ILE DE FRANCE (STIF)

PRAGUE (ROPID)

ROME (Comune di Roma)

SEVILLA (Consorcio de Transportes de Sevilla)

STOCKHOLM (AB SL)

VALENCIA (ETM)

VIENNA (VOR)

VILNIUS (MECS)

WARSAW (ZTM)

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