

**Question for written answer E-011635/2012
to the Commission**

Rule 117

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Subject: Passenger transport by rail: detailed rules for establishing a public service obligation

Public passenger transport services by rail and road are governed by Regulation (EC) No 1370/2007. This allows the competent authorities to grant, within the framework of a public service contract, an exclusive right and/or compensation to the operator of its choice in return for the discharge of public service obligations.

In respect of transport by rail, this means that the competent authority should define in each case the scope of the services required and verify that those services are really in the general interest, that is, unprofitable and requiring compensation.

Regulation (EC) No 1370/2007 does not specify how the non-profitable nature of those services is to be verified, but merely states in its annex that the compensation may not exceed the net financial effect of compliance with the public service obligation.

1. Can the Commission confirm that verification of the public service nature in respect of rail transport should be based on the annual financial result of the entirety of the services concerned?
2. In particular, can the Commission confirm that services which may be profitable from time to time – for example at peak times – may be included within the scope of the public service obligation without changing its nature?
3. As a result, are all the costs of necessary investments such as rolling stock eligible for aid granted by the competent authority as provided for by Article 4(1)(c) of Regulation (EC) No 1370/2007?
4. Finally, is it clearly established that the public service obligation may not be divided into profitable services and non-profitable services which may, moreover, be assessed differently over time?