

# EUROPEAN PARLIAMENT

2004



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*Committee on Transport and Tourism*

**2005/2016(INI)**

02.9.2005

## **OPINION**

of the Committee on Transport and Tourism

for the Committee on Economic and Monetary Affairs

on the Commission's White Paper on services of general interest  
(COM(2004) 374 – 2005/2016(INI))

Draftsman: Emanuel Jardim Fernandes

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## SUGGESTIONS

The Committee on Transport and Tourism calls on the Committee on Economic and Monetary Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

- A. whereas public transport constitutes one of the fundamental sectors involved in services of general interest (SGIs), whereas it enables the basic requirements of the peoples of the European Union, with regard to both mobility and supply, to be met and whereas it makes a primordial contribution in this way to the Union's social, economic and territorial cohesion,
- B. whereas the absence of a precise definition and description of services of general interest in European Union law lays them open to growing legal uncertainty as shown by the sometimes contradictory case law of the Court of Justice of the European Communities,
- C. whereas action must be taken to ensure a fair balance between the SGIs transport activities and compliance with Community competition and internal market legislation, since that legislation jeopardises the smooth running of transport services and, in particular, their quality, accessibility, continuity and efficiency,
- D. whereas, since the Treaty of Rome, transport has been covered by specific articles, and Article 73 in particular recognises the legality of State aid 'inherent in the concept of a public service',
- E. whereas the monitoring and assessment of services at national and Community level is essential to ensure the quality and effectiveness of SGEIs, including those in the transport sector,
  1. Highlights the need to preserve the balance and smooth functioning of transport services by promoting services of general interest and exacting public service obligations imposing high standards, geared to meeting the essential needs of population groups and receiving the requisite financial support from the public authorities;
  2. Welcomes the fact that the proposed services directive does not require Member States to open up services of general interest to competition and does not interfere with the way in which Member States or regions organise or finance such services;
  3. Points out that promoting access to public transport at an affordable cost for as many people as possible is also consistent with the objectives of reducing greenhouse gases and external transport costs in general; also draws attention to the value of public transport in the context of rising oil prices and the risk of inadequate refining capacity at global level in the near future;
  4. Takes the view that the special conditions for the functioning of activities of general

interest in transport should be treated through sectorial legislation adapted to this sector (state aid rules, public procurement...)

Recalls, however, that, as an SGI activity, transport should also be subject to the application of general rules, which would be contained in a general legislative framework fixing the concept and criteria that would apply to economic and non economic SGIs as well as the principles guaranteeing the proper functioning of these activities, such as continuity, accessibility, consumer and user protection...

5. Urges the Council therefore to reach a common position as soon as possible on the revision of Regulation (EEC) No 1191/69 of 26 June 1969 on action by Member States concerning the obligations inherent in the concept of a public service in transport by rail, road and inland waterway (Meijer report - A5-0364/2001);
6. Takes the view that, in accordance with the principle of subsidiarity, such a legal framework should also confer on public authorities, principally local and regional authorities, the right to determine the scale, scope, forms and structures of the provision of transport SGIs on their territory, notably the legal status of the service provider, taking into account the demographic and geophysical situation and specific characteristics of their region, to select management and financing methods and to establish assessment mechanisms;
7. Recalls, because of their particular constraints, the specific situation of the European Union's outermost regions vis-à-vis the SGI concept and the application of Community competition and internal market legislation and insists that the SGI concept must be expanded and provision made for the application of legislation adapted to cover the specific situation of those regions, with particular regard to transport activities.

## PROCEDURE <sup>(1)</sup>

<b>Title</b>	Commission's White Paper on services of general interest
<b>Procedure number</b>	2005/2016(INI)
<b>Committee responsible</b>	ECON
<b>Committee asked for its opinion</b> Date announced in plenary	TRAN 23.11.2004
<b>Enhanced cooperation</b>	Yes
<b>Drafts(wo)man</b> Date appointed	Emanuel Jardim Fernandes 23.11.2004
<b>Discussed in committee</b>	23.5.2005    29.8.2005
<b>Date suggestions adopted</b>	30.8.2005
<b>Result of final vote</b>	for:                            40 against:                        5 abstentions:                    0
<b>Members present for the final vote</b>	Margrete Auken, Inés Ayala Sender, Etelka Barsi-Pataky, Philip Bradbourn, Paolo Costa, Michael Cramer, Arūnas Degutis, Christine De Veyrac, Petr Duchoň, Saïd El Khadraoui, Robert Evans, Emanuel Jardim Fernandes, Luis de Grandes Pascual, Mathieu Grosch, Ewa Hedkvist Petersen, Jeanine Hennis-Plasschaert, Stanisław Jałowiecki, Georg Jarzembowski, Dieter-Lebrecht Koch, Rodi Kratsa-Tsagaropoulou, Jörg Leichtfried, Bogusław Liberadzki, Eva Lichtenberger, Patrick Louis, Erik Meijer, Robert Navarro, Josu Ortuondo Larrea, Willi Piecyk, Luís Queiró, Reinhard Rack, Luca Romagnoli, Gilles Savary, Renate Sommer, Dirk Sterckx, Gary Titley, Georgios Toussas, Corien Wortmann-Kool, Roberts Zīle
<b>Substitutes present for the final vote</b>	Zsolt László Becsey, Johannes Blokland, Den Dover, Zita Gurmai, Elisabeth Jeggle, Anne E. Jensen, Zita Pleštinská
<b>Substitutes under Rule 178(2) present for the final vote</b>	