

Access to the international market for coach and bus services. Recast

2007/0097(COD) - 05/06/2008 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted, by 587 votes to 54 against with 6 abstentions, a legislative resolution amending the proposal for a regulation of the European Parliament and of the Council on common rules for access to the market for coach and bus services (recast). The report had been tabled for consideration in plenary by Mathieu **GROSCH** (EPP-ED, BE) on behalf of the Committee on Transport and Tourism. Parliament's amendments would allow **drivers of tourist coaches** from 1 January 2009 to work up to 12 consecutive days under certain conditions. The conditions on the 12-day rule were put forward by the European Parliament after agreement was reached on 21 May 2008 between the social partners. Accordingly, the text contains a range of requirements that would have to be observed by any driver carrying out an occasional international transport service that involves use of the 12-day derogation. A compromise amendment proposed by the three main political groups and approved in plenary will be inserted into the text. A driver engaged in an international occasional transport service may postpone the weekly rest period for up to 12 consecutive 24-hour periods following a previous regular weekly rest period provided that:

- the international occasional transport service shall include at least 24 hours in a Member State or a third country other than the one in which the service started, and
- the weekly rest after the use of the derogation shall always be at least a regular weekly rest of 45 hours; a compensatory rest of 24 hours shall be taken en bloc before the end of the third week following the use of the derogation; the modalities and terms for taking this compensatory rest are to be established at national level by the relevant stakeholders, and
- in the case of driving that takes place during the entire period from 22:00-06:00, the vehicle shall be double manned throughout or the driving period shall be reduced to three hours, and
- from 1 January 2014 onwards, the use of this derogation may only be possible when using vehicles equipped with recording equipment.

The remaining amendments – adopted under the 1st reading of the co decision procedure - are as follows:

- with regard to scope, the Regulation should not apply either to carriers who have access only to their national market for coach and bus services or to the licences issued to those carriers by Member States of establishment;
- minor infringements should not be covered by the new Commission proposals;
- the operator of a regular service may use additional vehicles to deal with temporary and exceptional situations. It shall inform the Member State in whose territory the place of departure is situated of the reasons for any such temporary and exceptional situation;
- Member States may refrain from applying the authorisation procedure to cross-border regular services not extending more than 50 km beyond the border. They shall inform the Commission and neighbouring countries thereof;
- the authorising authority shall take a decision on the application within three months (rather than four months) of the date of submission of the application by the carrier. If the authorising authority is unable to make a decision, having consulted the Member States concerned, the Commission shall, within ten weeks of receipt of the communication from the authorising authority, take a decision, which shall take effect thirty days after the notification to the Member States concerned;
- the Commission and the Member States shall undertake to adopt the measures required to ensure that provisions concerning the journey form deriving from other agreements with third countries are brought into line, not later than 1 January 2010, with the provisions of the Regulation;
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in the event of **serious disturbance of the national transport market in a given geographical area** due to or aggravated by sabotage, any Member State may refer the matter to the Commission with a view to the adoption of safeguard measures and shall provide the Commission with the necessary information and notify it of the measures it intends to take as regards resident carriers. The Commission shall decide within one month of receipt of the relevant Member State's request whether safeguard measures are necessary. The measures introduced shall remain in force for a period not exceeding six months, renewable once. If the Commission decides to take safeguard measures concerning one or more Member States, the competent authorities shall be required to take measures of equivalent scope in respect of resident carriers. Any Member State may submit a Commission decision to the Community within 30 days of its notification. The Council, acting by a qualified majority may take a different decision. If the Council takes no decision, the Commission decision shall become final;

- the 'posting' directive applies to cabotage transport operations;
- books of journey forms must be supplied in an efficient and user-friendly manner;
- to ensure that sanctions are effective, MEPs believe it necessary that the Regulation should explicitly provide for the imposition of fines. Sanctions following serious infringements should only be applied after a final court sentence. In any case, when there have been serious infringements, a sanction should follow;
- lastly, the Regulation should apply from 1 January 2009.