

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

2007/0097(COD) - 23/04/2009 - Text adopted by Parliament, 2nd reading

The European Parliament adopted by 599 votes to 15 with 19 abstentions, a legislative resolution modifying, under the second reading of codecision procedure, the Council common position for adopting a regulation of the European Parliament and of the Council on common rules for access to the international market for coach and bus services (recast).

The amendments are the result of a compromise agreement between Parliament and Council. The compromise text states that in order to encourage tourism and the use of an environmentally friendly means of transport, Regulation (EC) No 561/2006 should be amended so that drivers engaged in a single occasional passengers transport service with buses and coaches are allowed to postpone their weekly rest period for up to 12 consecutive 24-hour periods in case they are involved in passenger transport activities that typically do not include continuous and long driving hours. This possibility should only be allowed under very strict conditions which preserve road safety and take into account the working conditions of the drivers, *inter alia* the obligation to take weekly rest periods immediately before and after this service.

The main amendments are as follows:

Roadside checks: a new recital states that road side checks should be carried out without discrimination, directly or indirectly, on the grounds of nationality of the road transport operator or the country of establishment of the road transport operator or of registration of the vehicle.

Authorisations: additional vehicles may only be used under the same conditions as set out in the original authorisation. Authorisations may be suspended or withdrawn only if there are exceptional reasons which could not have been foreseen at the time of granting the authorisation.

Sanctioning by Member State of establishment: the Member State should provide a warning before the imposition of administrative penalties.

Communication between Member States on the final decision taken should take place within **6 weeks** rather than 2 months.

Border regions: Member States may conclude bilateral and multilateral agreements on the further liberalisation of services, especially in border regions.

12 day rule: Parliament succeeded in inserting the 12 day rule into the compromise text. This states the following: a driver engaged in a single occasional service of international carriage of passengers may postpone the weekly rest period for up to 12 consecutive 24-hour periods following a previous regular weekly rest period, provided that:

the service lasts at least 24 consecutive hours in a Member State or a third country to which this Regulation applies other than the one in which the service started, and

the driver takes after the use of the derogation: either 2 regular weekly rest periods, or 1 regular weekly rest period and 1 reduced weekly rest period of at least 24 hours. However, the reduction shall be compensated by an equivalent period of rest taken en bloc before the end of the third week following the end of the derogation period, and

after 1 January 2014, the vehicle is equipped with recording equipment in accordance with the requirements of Regulation (EEC) No 3821/85, and

after 1 January 2014, in case of driving during the period from 22:00 to 06:00, the vehicle is multi-manned or the driving period referred to in Article 7 is reduced to 3 hours.

The Commission shall monitor closely the use made of this derogation in order to ensure that very strict conditions on road safety are preserved, in particular by checking that the total accumulated driving time during the period covered by the derogation is not excessive. At the latest 3 years after the entry into force of the Regulation, the Commission shall draw up a report assessing the consequences of the derogation in respect of road safety as well as social aspects. If it deems it appropriate, the Commission shall propose an amendment in this respect to this Regulation.

This provision will apply six months after entry into force of the Regulation.