

Access to the international market by coach and bus services: further opening of national markets

2017/0288(COD) - 08/11/2017 - Legislative proposal

PURPOSE: to promote access to national markets for regular bus and coach services.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: [Regulation \(EC\) No 1073/2009](#) of the European Parliament and of the Council on common rules for access to the international market for coach and bus services revealed that operators in national markets are facing **obstacles** to the development of inter-urban coach services.

An ex-post evaluation of the Regulation was carried out from 2015 to 2017 and concluded that the Regulation is only partly effective in achieving its original objective of promoting coach and bus services as a sustainable alternative to individual car transport.

By pursuing the opening of national markets, **the proposal is part of the second mobility package**, which aims to combat climate change, make European industry more competitive and improve the quality of life and choice of citizens for their daily mobility.

IMPACT ASSESSMENT: the combination of measures selected would make it possible to:

- generate administrative **savings for businesses and administrations in the range of EUR 1.560 million** for the EU-28 over the assessment period (2015-2035);
- **increase the activity of coach transport by more than 11 % in 2030** relative to the baseline and increase its modal share by almost one percentage point;
- improve the **connectivity of disadvantaged social groups** by 62 billion passenger-kilometres in 2030 while creating 85 000 new jobs and contribute to lower accident costs of EUR 2.8 billion for the EU-28 over the assessment period;
- have a **positive impact on the environment** with a EUR 183 million net cumulative savings in CO2 emissions costs and net cumulative savings in air pollution costs of EUR 590 million for the EU-28;

This would not undermine the sustainability of public service contracts serving remote urban areas.

CONTENT: the proposal aims to amend the Regulation on passenger coach services with a view to granting access to national markets for regular services.

It provides in particular for the following:

Scope: the proposal **extends the scope of Regulation (EC) No 1073/2009 to all inter-urban carriage of passengers by regular services**. Non-resident carriers should be able to operate national regular services under the same conditions as resident carriers.

Regulatory body: each Member State is required to designate an independent and impartial regulatory body. The objective of that requirement is to avoid any conflicts of interest when a regulatory body is

conducting an **economic analysis** to determine if economic equilibrium of a public service contract is compromised. The body should be able to obtain the information requested and enforce its decisions by means of appropriate penalties.

Right of access to terminals: carriers should enjoy a right of access to terminals on **fair, equitable, non-discriminatory and transparent terms** for the purpose of operating regular services. Applications for access should only be refused if there is a lack of capacity in the terminal. Decisions on applications for access are to be taken within two months and shall contain a proper statement of reasons. Carriers shall have the possibility to appeal decisions to the Regulatory body.

Regular services subject to authorisation: the proposal establishes:

- **an authorising procedure for the international carriage of passengers over a distance of less than 100 kilometres as the crow flies:** authorisations shall be granted unless rejection is justified under the clearly specified;
- **an authorising procedure for the international carriage of passengers over a distance 100 kilometres or more as the crow flies:** the refusal of a new service cannot be justified on the grounds that it compromises the economic equilibrium of a public service contract;
- **an authorisation procedure for national regular services:** the authorisation for a new service carrying passengers over distance of less than 100 kilometres as the crow flies can be rejected if it compromises the economic equilibrium of a public service contract.

In addition, the proposal:

- abolishes the use of the journey form as a control document for occasional services. This should eliminate an unnecessary administrative burden;
- deletes the obligation according to which regular services are to be performed as part of a regular international service as well as the prohibition of cabotage operations in the form of regular services being carried out independent of a regular service;
- puts an end to the obligation to establish cabotage journey forms for occasional services;
- amends rules relating to **inspections on the road and in undertakings** to include cabotage operations.

Lastly, **reporting** requirements are foreseen so that the Commission can have consistent information from all Member States to enable it to monitor and evaluate the implementation and effectiveness of the legislation.