

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

2017/0288(COD) - 28/01/2019 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Transport and Tourism adopted the report by Roberts ZLE (ECR, LV) on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 1073/2009 on common rules for access to the international market for coach and bus services.

The committee recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the Commission's proposal as follows.

Definitions

Members proposed to include the definition of 'public service contract' to mean one or more legally binding acts confirming the agreement between a competent authority and a public service operator to entrust to that public service operator the management and operation of public passenger transport services subject to public service obligations; depending on the law of the Member State, the contract may also consist of a decision adopted by the competent authority taking the form of an individual legislative or regulatory act, or containing conditions under which the competent authority itself provides the services or entrusts the provision of such services to an internal operator.

Access to terminals

Where terminal operators grant access, bus and coach operators shall comply with the terminal's existing terms and conditions.

Requests for access to terminals may be refused only on duly justified grounds of lack of capacity considerations, repeated failure to pay fees, duly documented serious and repeated infringements by the road transport operator, or other national provisions, provided they are consistently applied and do not discriminate either against particular carriers seeking access to a terminal, or their associated business models. If a request is refused, the terminal operator shall also communicate its decision to the regulatory authority.

Procedures for authorisation, suspension and withdrawal of authorisation for the international carriage of passengers over a distance of up to 100 kilometres journey distance

Members introduced a new clause whereby authorisation for a new service can effectively be denied even over the Commission's proposed 100 km ceiling if the relevant service undermines an existing public service contracts that has been tendered in a transparent way without possibility of extension, bundles together profitable and unprofitable routes and receives no significant public subsidies that risk undermining the level playing field.

Decisions rejecting an application, granting authorisation with limitations, or suspending or withdrawing authorisation shall state the reasons on which they are based and, where applicable, take into account the analyses of the regulatory body. The applicant or the carrier operating the service concerned shall have the possibility to appeal the decisions of the authorising authority.

Freedom to provide services

Without prejudice to the powers of the national competition authorities, the regulatory body shall have the power to monitor the competitive situation in the domestic market for regular passenger transport services by road, with a view to preventing discrimination or the abuse of a dominant position in the market, including through sub-contracting. Its opinions shall be binding.

It shall collect and provide information on access to terminals with an aim of ensuring that access to the terminals for service operators is granted under fair, equitable, non-discriminatory and transparent conditions and shall create a publicly accessible electronic register, listing all authorised national and international regular services.

Authorised cabotage operations

Cabotage operations shall be authorised for the following services:

- regular services performed by a carrier not resident in the host Member State, in the course of a regular international service, with the exception of transport services meeting the needs of an urban centre or conurbation, or transport needs between it and the surrounding areas. Cabotage operations shall not be carried out independently of that international service;

- regular services performed by a carrier not resident in the host Member State, in the course of a regular national service.

Control documents for cabotage operations

Members called for electronic documents and digital technologies to be used more efficiently to help ease the burden for drivers and reduce road-check times. In this regard, cabotage operations in the form of occasional services shall be carried out under cover of a journey form, on paper or in digital format, which shall be presented at the request of any authorised inspector. Members proposed that during checks, the driver shall be allowed to contact the head office, the transport manager or any other person or entity which may provide the requested documents.