

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

2017/0288(COD) - 14/02/2019 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 354 votes to 246, with 8 abstentions, a legislative resolution 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 position of the European Parliament adopted at first reading under the ordinary legislative procedure amended the Commission proposal as follows:

## *National public regulatory body*

The competent authorities in each Member State shall designate a national public regulatory body for the road passenger transport sector. That body shall be an impartial authority which is, in organisational, functional, hierarchical and decision-making terms, legally distinct, transparent and independent from any other public or private entity.

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.

The regulatory body should: (i) 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; (ii) create a publicly accessible electronic register, listing all authorised national and international regular services. Decisions taken by the regulatory body shall be made public within two weeks of their adoption.

## *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*

The amended text provides that in the event that an international regular bus and coach service has compromised the economic equilibrium of a public service contract, due to exceptional reasons which could not have been foreseen at the time of granting the authorisation and which lay not in the

responsibility of the owner of the public service contract, the Member State concerned may, with the agreement of the Commission, suspend or withdraw the authorisation to provide the service, after having given six months' notice to the carrier. The carrier shall have the possibility to appeal such decision.

For procedures for authorisation, suspension and withdrawal of authorisation for the international carriage of passengers over a distance of up to 100 kilometres, the authorising authority should take a decision on the application without delay and no later than two months of the date of submission of the application by the carrier.

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.

### ***Carriers' obligations***

A Member State may decide to require a non-resident carrier to comply with the conditions relating to the requirement of establishment, as laid down in [Regulation \(EC\) No 1071/2009](#) of the European Parliament and of the Council, in the host Member State after authorisation for a national regular service has been granted to this carrier and before the carrier starts to operate the relevant service. Such decisions shall state the reasons on which they are based.

The decision should take into account the size and duration of the activity of the non-resident carrier in the host Member State. If the host Member State establishes that the non-resident carrier does not satisfy the requirement of establishment, it may withdraw the relevant authorisations granted to it for national regular services or suspend them until the requirement is met.

### ***Authorised cabotage operations***

Cabotage operations shall be authorised for the following services:

- occasional 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.

### ***Control documents for cabotage operations***

Parliament 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.