Common rules for international carriage by coach and bus (amend. Regulation (EEC) No 684 /92)

1996/0125(SYN) - 29/07/2004 - Follow-up document

This Communication analyses the implementation of Community regulations on access to international and cabotage markets for passenger transport. In doing so the Commission is fulfilling an obligation to prepare an update on EU legislation as specified in Regulation 11/98 and 12/98. Although not technically part of the scope of this particular provision the Commission has decided to cover two other important subjects related to the development of road passenger transport, namely safety of vehicles and passenger rights.

The document covers firstly, international passenger transport and secondly, cabotage markets for passenger transports.

As far as international passenger transport is concerned the Commission notes that over the last few years Regulation 11/98 has achieved most of the objectives set out. The Community licence, for example, has facilitated checks carried out outside the Member States of establishment and has therefore improved the conditions of access to the international transport market. At the same time, however, the Commission has received a number of complaints concerning the imposition of penalties by the national authorities when checking documents carried on board the vehicle. Given the importance of the Community licences the Commission calls on interested parties to submit their opinion on the following questions: Are the clarifications made by the Commission regarding the interpretation and application of the provisions on the Community licence adequate? Do they meet the concerns of the authorities issuing Community licences and certified true copies, authorised inspecting officers and carriers?

The authorisation of regular services is another area given due consideration. According to the Commission, the authorisation procedure is the only aspect of the Regulation limiting the development of a liberalised market for passenger transport. Consideration should therefore be given to a new step – intermediate or final – towards a more open market for international regular services. Within this context the Commission report proposes three possibilities and again asks on interested parties to offer their views on which would be the most appropriate action for possible revisions. The degree of liberation could be based on three scenarios.

The first - limiting the cases of refusal to grant authorisation provided for in Article 7(4) of Regulation 11 /98. If so, which cases of refusal should be amended or even abolished?

The second - restrict cases of refusal to grant authorisation and provide for tacit authorisation by the authorising authority in the absence of a decision within the period of four months following the date of submission of the application by the carrier.

The third – introduce complete liberalisation of international regular services and special regular services still subject to authorisation on the same lines as occasional services. In such a case, which formalities and documents would have to replace those under the current authorisation procedure?

On the second issue of cabotage transport, the Commission report notes that this has not given rise to any problems of interpretation or application. No infringement has been report by the Member States concerning the essential feature of cabotage, namely that services can be provided in the host Member State on a temporary basis only. An analysis of the market indicates that:

- The impact of cabotage on national markets of the Member States is insignificant and constitutes a residual category. The operators are therefore concentrating their activities on their national market.

- Cabotage operations are carried out mainly in the adjacent Member States.

- One of the main reason why non-resident carriers occupy such a small share in the occasional services market in other Member States is that cabotage has to remain a service provided on a temporary basis.

Given the non-problematic nature of the cabotage market, the Commission proposes that there is no need to consider amending the provisions of Regulation 12/98.

Lastly, the report examines the role of road safety in relation with Community legislation. The report argues that the trend in road safety must be continued particularly in the case of coach and bus transport. To this end, the Commission wishes to examine whether it is expedient and feasible to introduce a system of certification for carriers which, going beyond the minimum safety measures laid down by Community and national legislation, observe particularly high standards in terms of road safety. Under future revisions, the Commission proposes guaranteeing high quality services in terms of greater passenger comfort, right to information on fares, contractual terms, treatment of complaints, mechanisms for resolving disputes, vehicles which are better adapted to the needs of persons with reduced mobility etc. The Commission invites all interested parties and in particular carriers and consumer associations to submit their views and suggestions.