

Basic information	
<b>1996/0002(SYN)</b> SYN - Cooperation procedure (historic)  Admission of non-resident carriers to national road passenger transport services  Repealed by <a href="#">2007/0097(COD)</a>  <b>Subject</b>  3.20.05 Road transport: passengers and freight	Procedure completed

Key players			
European Parliament	<b>Committee responsible</b>	<b>Rapporteur</b>	<b>Appointed</b>
	<span style="border: 1px solid red; padding: 2px;">TRAN</span> Transport and Tourism	KILLILEA Mark (RDE)	02/12/1994
	<b>Former committee responsible</b>	<b>Former rapporteur</b>	<b>Appointed</b>
	<span style="border: 1px solid red; padding: 2px;">TRAN</span> Transport and Tourism	KILLILEA Mark (RDE)	02/12/1994
	<b>Former committee for opinion</b>	<b>Former rapporteur for opinion</b>	<b>Appointed</b>
	<span style="border: 1px solid red; padding: 2px;">ECON</span> Economic and Monetary Affairs, Industrial Policy	BLOKLAND Johannes (EDN)	21/02/1996
	<span style="border: 1px solid red; padding: 2px;">JURI</span> Legal Affairs, Citizens' Rights	The committee decided not to give an opinion.	
Council of the European Union	<b>Council configuration</b>	<b>Meetings</b>	<b>Date</b>
	Transport, Telecommunications and Energy	2059	1997-12-11
	Transport, Telecommunications and Energy	1951	1996-10-03
	Transport, Telecommunications and Energy	1979	1996-12-13
	Fisheries	1998	1997-04-14

Key events			
Date	Event	Reference	Summary
06/03/1995	Additional information		Summary

12/01/1996	Legislative proposal published	COM(1995)0729 	<a href="#">Summary</a>
16/02/1996	Committee referral announced in Parliament		
01/10/1996	Vote in committee		<a href="#">Summary</a>
01/10/1996	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A4-0291/1996</a>	
03/10/1996	Debate in Council		<a href="#">Summary</a>
27/11/1996	Debate in Parliament		<a href="#">Summary</a>
26/02/1997	Modified legislative proposal published	COM(1997)0072 	<a href="#">Summary</a>
14/04/1997	Council position published	<a href="#">05302/1/1997</a>	<a href="#">Summary</a>
24/04/1997	Committee referral announced in Parliament, 2nd reading		
03/07/1997	Vote in committee, 2nd reading		
03/07/1997	Committee recommendation tabled for plenary, 2nd reading	<a href="#">A4-0234/1997</a>	
15/07/1997	Debate in Parliament		<a href="#">Summary</a>
02/10/1997	Modified legislative proposal published	COM(1997)0455 	
11/12/1997	Act adopted by Council after consultation of Parliament		
11/12/1997	End of procedure in Parliament		
08/01/1998	Final act published in Official Journal		

#### Technical information

<b>Procedure reference</b>	1996/0002(SYN)
<b>Procedure type</b>	SYN - Cooperation procedure (historic)
<b>Procedure subtype</b>	Legislation
<b>Amendments and repeals</b>	Repealed by <a href="#">2007/0097(COD)</a>
<b>Legal basis</b>	EC Treaty (before Amsterdam) E 075
<b>Stage reached in procedure</b>	Procedure completed
<b>Committee dossier</b>	TRAN/4/08798

#### Documentation gateway







European Parliament				
Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A4-0291/1996</a> <a href="#">OJ C 347 18.11.1996, p. 0004</a>	01/10/1996	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T4-0642/1996</a> <a href="#">OJ C 380 16.12.1996, p. 0013-0035</a>	28/11/1996	<a href="#">Summary</a>
Committee recommendation tabled for plenary, 2nd		<a href="#">A4-0234/1997</a>		

reading		<a href="#">OJ C 286 22.09.1997, p. 0008</a>	03/07/1997	
Text adopted by Parliament, 2nd reading		T4-0378/1997 <a href="#">OJ C 286 22.09.1997, p. 0071-0084</a>	16/07/1997	<a href="#">Summary</a>

#### Council of the EU

Document type	Reference	Date	Summary
Council position	<a href="#">05302/1/1997</a> <a href="#">OJ C 164 30.05.1997, p. 0017</a>	14/04/1997	<a href="#">Summary</a>

#### European Commission

Document type	Reference	Date	Summary
Legislative proposal	<a href="#">COM(1995)0729</a>  <a href="#">OJ C 060 29.02.1996, p. 0010</a>	12/01/1996	<a href="#">Summary</a>
Modified legislative proposal	<a href="#">COM(1997)0072</a>  <a href="#">OJ C 124 21.04.1997, p. 0073</a>	26/02/1997	<a href="#">Summary</a>
Commission communication on Council's position	<a href="#">SEC(1997)0721</a> 	21/04/1997	<a href="#">Summary</a>
Modified legislative proposal	<a href="#">COM(1997)0455</a> 	02/10/1997	
Follow-up document	<a href="#">COM(1999)0327</a> 	06/07/1999	
Follow-up document	<a href="#">COM(2004)0527</a> 	29/07/2004	<a href="#">Summary</a>

#### Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	<a href="#">CES1083/1996</a> <a href="#">OJ C 030 30.01.1997, p. 0040</a>	25/09/1996	<a href="#">Summary</a>

#### Additional information

Source	Document	Date
European Commission	<a href="#">EUR-Lex</a>	

#### Final act

<a href="#">Regulation 1998/0012</a> <a href="#">OJ L 004 08.01.1998, p. 0010</a>	<a href="#">Summary</a>
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## Admission of non-resident carriers to national road passenger transport services

1996/0002(SYN) - 11/12/1997 - Final act

OBJECTIVE: to lay down the conditions under which non-resident carriers may operate national road passenger transport services within a Member State (cabotage). COMMUNITY MEASURE: Council Regulation (EC) No 12/98 laying down the conditions under which non-resident carriers may operate national road passenger transport services within a Member State. SUBSTANCE: the Regulation notably provides for the introduction of cabotage for: - special regular services, on condition that they are covered by a contract between the organizer and the carrier; - occasional services; - regular services, on condition that they are performed by a carrier not resident in the host Member State in the course of a regular international service. Urban and suburban services are excluded from the scope of the Regulation. An advisory committee is set up to help the Commission to draw up a model for the journey forms, the book of journey forms and the model statistical table. The Commission is to report by 31/12/1999 on the application of the Regulation and particularly on the impact of cabotage transport operations on national transport markets. DATE OF ENTRY INTO FORCE: 09/01/1998. The Regulation is applicable from 11/06/1999.

## Admission of non-resident carriers to national road passenger transport services

1996/0002(SYN) - 03/10/1996

The Council held an exploratory debate on the proposal for a regulation. At the end of this discussion the presidency established that there was a consensus for reinstating the repealed regulation as a minimum measure for market liberalisation. The Council asked the Permanent Representatives Committee, by way of a compromise solution, to investigate the possibility of deregulating cabotage transport for regular international services, which was to be added to the relevant safeguard clauses, in order to enable the Council, in the light of Parliament's opinion, to adopt a common position on this matter at its meeting in December.

## Admission of non-resident carriers to national road passenger transport services

1996/0002(SYN) - 12/01/1996 - Legislative proposal

OBJECTIVE: the proposal for a regulation is intended to establish conditions under which non-resident carriers may operate national road passenger transport services with a Member State (cabotage). The main aim is the freedom to provide transport services, eliminating all discrimination against non-resident carriers on grounds of nationality or place of establishment. SUBSTANCE: The proposal lays down conditions of access to the market so that cabotage operations may be allowed for the following services: - all special regular services; - all occasional services; - two forms of cabotage have been provided for regular services: . regular cabotage in the course of a regular international service in compliance with Regulation 92/684/EEC; . acceptance of regular cabotage services: for this type of cabotage transport, the Member States are obliged to apply the existing laws, regulations and administrative provisions in force in the host Member State regarding the routes to be operated and the regularity, continuity and frequency of services; all these provisions must be applied under the same conditions as are imposed on national carriers so as to rule out any discrimination against non-resident carriers on the grounds of their nationality or place of establishment: it is also stipulated that any compensation for public service obligations must be paid to all the Community operators concerned; - the proposal makes cabotage in the course of international transport services subject to authorization, issued by the competent authorities of the host Member State.

## Admission of non-resident carriers to national road passenger transport services

1996/0002(SYN) - 29/07/2004

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 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 reported 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 reasons 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.

## **Admission of non-resident carriers to national road passenger transport services**

1996/0002(SYN) - 21/04/1997 - Commission communication on Council's position

The Commission felt that the Council's common position departed from its initial proposal by limiting the degree of liberalisation envisaged as it excluded regular services operated outside an international transport service from liberalisation. However, it supported the common position insofar as it introduced a further degree of liberalisation with respect to Regulation No 2454/92/EEC. The Commission stated that it would reconsider the issue of harmonising access to the market in regular services not governed by the regulation as part of its future initiatives, taking account of reactions to the Green Paper 'The Citizens' Network - fulfilling the potential of public passenger transport in Europe'.

## **Admission of non-resident carriers to national road passenger transport services**

1996/0002(SYN) - 14/04/1997 - Council position

The common position of the Council maintains the degree of liberalization achieved in Regulation 2454/92/EEC and accepts the total liberalization of occasional services. It also accepts liberalization of all special regular services, without geographical limitation or restriction on the place of establishment of the operator, provided that the services are covered by a contract between the organizer and the transporter. With regard to regular services, the common position takes account of Parliament's amendments accepted by the Commission in its amended proposal. It makes provision for the introduction of cabotage for regular services carried out by a non-resident transporter during a regular international service. The Council has deleted Article 4 of the original proposal to make such operations subject to the provisions in force in the host Member State regarding requirements for

authorizations, tendering procedures, connections to be served, regularity, continuity, frequency and routes. Regarding other regular services, the common position excludes urban and suburban services from the scope of the proposal. The Commission shall be assisted by an advisory committee subject to committee procedure I, in drawing up a model for the journey forms, the book of journey forms and the model for the statistical table.

## **Admission of non-resident carriers to national road passenger transport services**

1996/0002(SYN) - 26/02/1997 - Modified legislative proposal

The amended Commission proposal includes nine of the 16 amendments adopted by Parliament at first reading. These concern in particular: - the need to encourage gradual approximation of national legislation; - the general principle of the liberalization of transport of passengers by bus or coach and gradual harmonization of the conditions of competition; - the need from an environmental point of view to offer carriers the possibility of optimizing the degree of capacity utilization of their vehicles; - the accessibility of transport systems, which must be considered one of the objectives of the common transport policy; - unifying the system applicable to cabotage operations of regular services; - the place of establishment of transport companies; - exclusion of urban and suburban services from the scope of the regulation on cabotage; - deletion of Article 4 of the original proposal, which concerned the legal provisions applicable to cabotage operations carried out in the course of a regular international service; - the report on the application of the regulation and the possible submission of a proposal on the basis of the report's conclusions. The Commission did not accept the amendments on: harmonization of national cabotage systems; introduction of a new principle of transport policy; new proposals to be put forward by the Commission; a uniform system for residents and non-residents; representation of the undertaking on the territory where it carries out cabotage services; exclusion of regional transport from the scope of the regulation; and production of a report on application of Regulation 2454/92/EEC before the end of 1996.

## **Admission of non-resident carriers to national road passenger transport services**

1996/0002(SYN) - 25/09/1996 - Economic and Social Committee: opinion, report

It was with great interest that the Committee took note of this new proposal on cabotage in road-passenger transport, and it welcomes the fact that, compared to the provisions of the current Regulation 2454/92/EEC, the principle of the freedom to provide services has been extended. However, given that regular services are not covered by the current Regulation, the Committee is surprised at the speed with which these services are to be liberalized, and feels that a more gradual liberalization might have been more appropriate. Moreover, the Committee regrets: - that the Commission failed to present the report on the cabotage situation mentioned in Article 12 of Regulation 2454/92/EEC before going ahead with the new proposal, and that the sector was not consulted; - that the proposal was not dealt in tandem with the recently published proposed amendment to Regulation 684/92, with a view to harmonizing the provisions of the different legislation governing road-passenger transport; - that the Commission did not await the outcome of the discussions of the Green Paper on the Citizens' Network before presenting new regulations for the sector and calls on the Commission to give due consideration to the Committee Opinion on the Green Paper.

## **Admission of non-resident carriers to national road passenger transport services**

1996/0002(SYN) - 28/11/1996 - Text adopted by Parliament, 1st reading/single reading

In adopting the report by Mr Mark KILLILEA (UPE, Irl), Parliament approved, with amendments, the proposal laying down the conditions under which non-resident carriers may operate national road-transport services within a Member State. Parliament proposed inter alia: - that cabotage passenger transport service operators should have a representative on the territory of the Member State in which the services are provided, whom users could contact if necessary; - that until such time as the Council adopts a regulation on the contracting of transport services on the basis of public service obligations, regular urban, suburban and regional services should not be covered by the Regulation; - that other regular services should be excluded in areas in which services have been put out to tender under EU tendering procedures, or are to be put out to tender by the year 2000; - the deletion of Article 4 of the Regulation laying down special authorization arrangements for non-resident undertakings which offer intra-Community services, since it would discriminate against carriers already established in the host Member State.

## **Admission of non-resident carriers to national road passenger transport services**

1996/0002(SYN) - 16/07/1997 - Text adopted by Parliament, 2nd reading

In adopting the recommendation for second reading by Mr Mark KILLILEA (UPE, Irl), the European Parliament made two amendments to the common position. The first recalled the Commission's stated intention of re-examining the questions of harmonization of access to the market in regular services not governed by the Regulation as part of the initiatives it would adopt, taking account of reactions to the Green Paper: 'The Citizens' Network - fulfilling

the potential of public passenger transport in Europe'. The second required the Commission to report to Parliament and the Council before 30 June 1998 both on the results of the implementation of Regulation (EEC) No 2454/92 and on the operation of regular services in the Member States, with a view to new legislative initiatives.