Basic information

2007/0097(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Access to the international market for coach and bus services. Recast Repealing Regulation (EC) No 12/98 1996/0002(SYN) Amending Regulation (EC) No 561/2006 2001/0241(COD) **Subject** 3.20.05 Road transport: passengers and freight 3.20.15.04 Road transport agreements and cooperation	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
TRAN Transport and Tourism	GROSCH Mathieu (PPE-DE)	19/01/2009

Former committee responsible	Former rapporteur	Appointed
TRAN Transport and Tourism	GROSCH Mathieu (PPE-DE)	13/07/2007

Former committee for opinion	Former rapporteur for opinion	Appointed
JURI Legal Affairs	The committee decided not to give an opinion.	10/09/2007

Council of the European Union

Council configuration	Meetings	Date
Competitiveness (Internal Market, Industry, Research and Space)	2963	2009-09-24
Transport, Telecommunications and Energy	2861	2008-04-07
Transport, Telecommunications and Energy	2877	2008-06-12

European Commission

Commission DG	Commissioner
Energy and Transport	TAJANI Antonio

Key events

Date	Event	Reference	Summary

23/05/2007	Legislative proposal published	COM(2007)0264	Summary
24/09/2007	Committee referral announced in Parliament, 1st reading		
22/01/2008	Vote in committee, 1st reading		Summary
12/02/2008	Committee report tabled for plenary, 1st reading	A6-0037/2008	
07/04/2008	Debate in Council		Summary
20/05/2008	Debate in Parliament		
05/06/2008	Decision by Parliament, 1st reading	T6-0249/2008	Summary
05/06/2008	Results of vote in Parliament		
09/01/2009	Council position published	11786/1/2008	Summary
15/01/2009	Committee referral announced in Parliament, 2nd reading		
31/03/2009	Vote in committee, 2nd reading		Summary
02/04/2009	Committee recommendation tabled for plenary, 2nd reading	A6-0215/2009	
22/04/2009	Debate in Parliament		
23/04/2009	Decision by Parliament, 2nd reading	T6-0275/2009	Summary
23/04/2009	Results of vote in Parliament		
24/09/2009	Act approved by Council, 2nd reading		
21/10/2009	Final act signed		
21/10/2009	End of procedure in Parliament		
14/11/2009	Final act published in Official Journal		

Technical information

Procedure reference	2007/0097(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Recast
Legislative instrument	Regulation
Amendments and repeals	Repealing Regulation (EC) No 12/98 1996/0002(SYN) Amending Regulation (EC) No 561/2006 2001/0241(COD)
Legal basis	EC Treaty (after Amsterdam) EC 071
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/6/71865

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary

Committee draft report		PE396.394	05/11/2007	
Amendments tabled in committee		PE398.389	07/01/2008	
Committee report tabled for plenary, 1st reading/single reading		A6-0037/2008	12/02/2008	
Text adopted by Parliament, 1st reading/single reading		T6-0249/2008	05/06/2008	Summary
Committee draft report		PE418.416	29/01/2009	
Amendments tabled in committee		PE420.081	26/02/2009	
Committee recommendation tabled for plenary, 2nd reading		A6-0215/2009	02/04/2009	
Text adopted by Parliament, 2nd reading		T6-0275/2009	23/04/2009	Summary

Council of the EU

Document type	Reference	Date	Summary
Council statement on its position	00109/2009	09/01/2009	
Council position	11786/1/2008	09/01/2009	Summary
Draft final act	03656/2009/LEX	21/10/2009	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2007)0264	23/05/2007	Summary
Document attached to the procedure	SEC(2007)0635	23/05/2007	
Document attached to the procedure	SEC(2007)0636	23/05/2007	
Commission communication on Council's position	COM(2008)0913	12/01/2009	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2009)0307	23/06/2009	Summary
Commission response to text adopted in plenary	SP(2009)3507	25/06/2009	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES1247/2007	26/09/2007	

Additional information

Source	Document	Date
National parliaments	IPEX	

European Commission	EUR-Lex	

Final act

Corrigendum to final act 32009R1073R(05)
OJ L 272 16.10.2015, p. 0015

Regulation 2009/1073
OJ L 300 14.11.2009, p. 0088 Summary

Access to the international market for coach and bus services. Recast

2007/0097(COD) - 23/04/2009 - Text adopted by Parliament, 2nd reading

The European Parliament adopted by 599 votes to 15 with 19 abstentions, a legislative resolution modifying, under the second reading of codecision procedure, the Council common position for adopting a regulation of the European Parliament and of the Council on common rules for access to the international market for coach and bus services (recast).

The amendments are the result of a compromise agreement between Parliament and Council. The compromise text states that in order to encourage tourism and the use of an environmentally friendly means of transport, Regulation (EC) No 561/2006 should be amended so that drivers engaged in a single occasional passengers transport service with buses and coaches are allowed to postpone their weekly rest period for up to 12 consecutive 24-hour periods in case they are involved in passenger transport activities that typically do not include continuous and long driving hours. This possibility should only be allowed under very strict conditions which preserve road safety and take into account the working conditions of the drivers, inter alia the obligation to take weekly rest periods immediately before and after this service.

The main amendments are as follows:

Roadside checks: a new recital states that road side checks should be carried out without discrimination, directly or indirectly, on the grounds of nationality of the road transport operator or the country of establishment of the road transport operator or of registration of the vehicle.

Authorisations: additional vehicles may only be used under the same conditions as set out in the original authorisation. Authorisations may be suspended or withdrawn only if there are exceptional reasons which could not have been foreseen at the time of granting the authorisation.

Sanctioning by Member State of establishment: the Member State should provide a warning before the imposition of administrative penalties.

Communication between Member States on the final decision taken should take place within **6 weeks** rather than 2 months.

Border regions: Member States may conclude bilateral and multilateral agreements on the further liberalisation of services, especially in border regions.

12 day rule: Parliament succeeded in inserting the 12 day rule into the compromise text. This states the following: a driver engaged in a single occasional service of international carriage of passengers may postpone the weekly rest period for up to 12 consecutive 24-hour periods following a previous regular weekly rest period, provided that:

the service lasts at least 24 consecutive hours in a Member State or a third country to which this Regulation applies other than the one in which the service started, and

the driver takes after the use of the derogation: either 2 regular weekly rest periods, or 1 regular weekly rest period and 1 reduced weekly rest period of at least 24 hours. However, the reduction shall be compensated by an equivalent period of rest taken en bloc before the end of the third week following the end of the derogation period, and

after 1 January 2014, the vehicle is equipped with recording equipment in accordance with the requirements of Regulation (EEC) No 3821/85, and

after 1 January 2014, in case of driving during the period from 22:00 to 06:00, the vehicle is multi-manned or the driving period referred to in Article 7 is reduced to 3 hours.

The Commission shall monitor closely the use made of this derogation in order to ensure that very strict conditions on road safety are preserved, in particular by checking that the total accumulated driving time during the period covered by the derogation is not excessive. At the latest 3 years after the entry into force of the Regulation, the Commission shall draw up a report assessing the consequences of the derogation in respect of road safety as well as social aspects. If it deems it appropriate, the Commission shall propose an amendment in this respect to this Regulation.

This provision will apply six months after entry into force of the Regulation.

Access to the international market for coach and bus services. Recast

2007/0097(COD) - 05/06/2008 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted, by 587 votes to 54 against with 6 abstentions, a legislative resolution amending the proposal for a regulation of the European Parliament and of the Council on common rules for access to the market for coach and bus services (recast). The report had been tabled for consideration in plenary by Mathieu **GROSCH** (EPP-ED, BE) on behalf of the Committee on Transport and Tourism. Parliament's amendments would allow **drivers of tourist coaches** from 1 January 2009 to work up to 12 consecutive days under certain certain conditions. The conditions on the 12-day rule were put forward by the European Parliament after agreement was reached on 21 May 2008 between the social partners. Accordingly, the text contains a range of requirements that would have to be observed by any driver carrying out an occasional international transport service that involves use of the 12-day derogation. A compromise amendment proposed by the three main political groups and approved in plenary will be inserted into the text. A driver engaged in an international occasional transport service may postpone the weekly rest period for up to 12 consecutive 24-hour periods following a previous regular weekly rest period provided that:

- the international occasional transport service shall include at least 24 hours in a Member State or a third country other than the one in which the service started, and
- the weekly rest after the use of the derogation shall always be at least a regular weekly rest of 45 hours; a compensatory rest of 24 hours shall be taken en bloc before the end of the third week following the use of the derogation; the modalities and terms for taking this compensatory rest are to be established at national level by the relevant stakeholders, and
- in the case of driving that takes place during the entire period from 22:00-06:00, the vehicle shall be double manned throughout or the driving period shall be reduced to three hours, and
- from 1 January 2014 onwards, the use of this derogation may only be possible when using vehicles equipped with recording equipment.

The remaining amendments – adopted under the 1st reading of the co decision procedure - are as follows:

- with regard to scope, the Regulation should not apply either to carriers who have access only to their national market for coach and bus services or to the licences issued to those carriers by Member States of establishment;
- minor infringements should not be covered by the new Commission proposals;
- the operator of a regular service may use additional vehicles to deal with temporary and exceptional situations. It shall inform the Member State in whose territory the place of departure is situated of the reasons for any such temporary and exceptional situation;
- Member States may refrain from applying the authorisation procedure to cross-border regular services not extending more than 50 km beyond the border. They shall inform the Commission and neighbouring countries thereof;
- the authorising authority shall take a decision on the application within three months (rather than four months) of the date of submission of the application by the carrier. If the authorising authority is unable to make a decision, having consulted the Member States concerned, the Commission shall, within ten weeks of receipt of the communication from the authorising authority, take a decision, which shall take effect thirty days after the notification to the Member States concerned;
- the Commission and the Member States shall undertake to adopt the measures required to ensure that provisions concerning the journey form deriving from other agreements with third countries are brought into line, not later than 1 January 2010, with the provisions of the Regulation;
- in the event of **serious disturbance of the national transport market in a given geographical area** due to or aggravated by sabotage, any Member State may refer the matter to the Commission with a view to the adoption of safeguard measures and shall provide the Commission with the necessary information and notify it of the measures it intends to take as regards resident carriers. The Commission shall decide within one month of receipt of the relevant Member State's request whether safeguard measures are necessary. The measures introduced shall remain in force for a period not exceeding six months, renewable once. If the Commission decides to take safeguard measures concerning one or more Member States, the competent authorities shall be required to take measures of equivalent scope in respect of resident carriers. Any Member State may submit a Commission decision to the Community within 30 days of its notification. The Council, acting by a qualified majority may take a different decision. If the Council takes no decision, the Commission decision shall become final;
- the 'posting' directive applies to cabotage transport operations;
- books of journey forms must be supplied in an efficient and user-friendly manner;
- to ensure that sanctions are effective, MEPs believe it necessary that the Regulation should explicitly provide for the imposition of fines. Sanctions following serious infringements should only be applied after a final court sentence. In any case, when there have been serious infringements, a sanction should follow;
- lastly, the Regulation should apply from 1 January 2009.

Access to the international market for coach and bus services. Recast

2007/0097(COD) - 23/06/2009 - Commission opinion on Parliament's position at 2nd reading

After several months of negotiations under the Czech Presidency, the Parliament and the Council agreed on a compromise at second reading, in particular concerning the introduction of a new twelve-day rule.

The Commission can accept the compromise amendments adopted by the European Parliament after the second reading to confirm this agreement.

Access to the international market for coach and bus services. Recast

2007/0097(COD) - 12/01/2009 - Commission communication on Council's position

The Commission considers that the common position, adopted by qualified majority, reflects the main objectives of its proposal and can therefore support it.

As the Parliament has proposed in its first reading, the common position deletes the references to "repeated minor infringements". The Commission can accept this stepwise approach on the registers. In the common position as well as in the first reading of the Parliament, the reference to working time as mandatory rules applicable to cabotage has been deleted; the Commission can accept this proposal.

The other amendments of the Parliament were not included in the common position. This is due in part also to the short time limit between the adoption of the first reading and the political agreement.

Of these amendments which have not been included in the common position, would have been acceptable or acceptable in principle for the Commission among others those on the duration of the application procedure, on the journey form or on the possibility to impose fines.

The Commission could also accept in principle and with a reformulation in order not to put into question the road safety, the amendments concerning the reintroduction of the "12 days rule" in the legislation on driving and rest times.

Other amendments which were not acceptable or not acceptable in the proposed wording for the Commission have not been included in the common position:

- on the introduction of a differentiation between different kinds of international regular passenger services;
- the deletion of the possibility for the Member State to suspend or to withdraw an authorisation in case it seriously affects the viability of a public service contract;
- the widening of the permission of local excursion;
- the reference to the posting of workers directive as rules applicable to cabotage.

Access to the international market for coach and bus services. Recast

2007/0097(COD) - 23/05/2007 - Legislative proposal

PURPOSE: to consolidate and merge Regulation (EEC) No 684/92 and (EEC) No 12/98 **on access to the market of coach and bus services**, in order to simplify current provisions.

PROPOSED ACT: Regulation of the European Parliament and of the Council (recast).

CONTENT: this proposal is being presented alongside two related proposals all of which are seeking to modernise provisions governing road transport operators and access to the road transport market. The package of proposals includes:

- Replacing Directive 96/26/EC on **admission to the occupation of road transport operator**, with a new Regulation. (For a summary of the proposal refer to: COD/2007/0098

- Merging Regulations (EEC) No 881/92 and (EEC) No 3118/93 on **access to the road transport market.** (For a summary of the proposal refer to: COD/2007/0099

- Merging Regulations (EEC) No 684/92 and (EC) No 12/98 **on access to the market of coach and bus services.** (The subject of this summary).

Following a public consultation and an impact assessment, it has emerged that the lack of clarity and the complexity of existing provisions renders enforcement of Regulations (EEC) No 684/92 and (EC) No 12/98 difficult. Industry also concludes that the two Regulations entail unnecessary administrative burdens. The problems identified relate to:

- the scope of the Regulation, (for example, passenger transport by Community carriers to and from third countries and transiting Member States);

- the authorisation scheme regulating international passenger services, (the procedure is perceived by industry to create barriers to new entrants as well as being unnecessarily bureaucratic);

- the lack of information exchange between the Member States, which is considered ineffective; and

- the number and diversity of formats used for Community licences, which can create problems during inspections, often leading to a loss of valuable time for operators and enforcement staff.

In a bid to address some of the challenges outlined above the Commission has decided to present this proposal, which in summary, introduces the following changes:

- a simpler and faster procedure to authorise international regular services. Regarding market conditions only one ground for refusal will remain, namely that the service applied for would seriously affect the viability of a comparable service operated under a public service obligation on the direct sections concerned;

- a simpler, standardised Community licence. It is hoped that the new Community licence will reduce administrative burdens and delays – especially at road side checks.

- enhanced legal provisions obliging a Member State to act, when requested to do so by another Member State, in cases where a carrier to whom it delivered a Community licence commits an infringement in another country.

- enhanced Member State to Member State communication procedures through the use of contact points (which are being proposed under the new Regulation on the admission to the occupation of road transport operator).

In addition, the Commission has removed any obsolete measures. The content, presentation and formulation of the Regulation have been re-examined to avoid any ambiguous interpretations. The proposal will not affect the Community budget though it is estimated that the administrative costs borne by both companies and authorities could be reduced by as much as € 190 million per annum.

Access to the international market for coach and bus services. Recast

2007/0097(COD) - 09/01/2009 - Council position

The Council has taken full account of the proposal of the Commission and the European Parliament's opinion at first reading. With respect to the amendments proposed by the European Parliament, the Council observes that a considerable number of amendments have - in spirit, partially or fully - already been included in its common position.

The key policy issues are as follows:

Clarification of the scope, the definitions and the principles: the Council followed largely the Commission proposal and its common position foresees that this regulation applies to all international carriage on the territory of the Community, including carriage from and to third countries, and to national road passenger services operated by a non-resident undertaking on a temporary basis (“cabotage”).

As regards international carriage, the Council established a comprehensive definition: for carriages, to or from a third country it is stipulated that, as long as there is no agreement between the Community and the third country in question, the Regulation does not apply to that part of the journey carried out within the Member State of picking up or setting down of passengers. It does, however, apply within a Member State crossed in transit.

In order to facilitate effective controls by enforcement authorities, especially those outside the

Member State in which the carrier is established, carriers are required to carry a certified true copy of the Community licence aboard each of their vehicles when performing an international carriage.

The European Parliament decided to follow the Commission's approach and did not adopt amendments on this issue.

Community licence and certified copies: the Commission proposal foresees the issuing of a Community licence for a renewable period of 5 years. The common position therefore extends the validity of the renewable Community licence to "up to 10 years", introduces the (comitology) regulatory procedure with scrutiny to care for future necessary technical adaptations of the validity of the Community licence, and also amends accordingly the provisions concerning the verification of conditions for the issuing and renewal of the licence.

In order to avoid possible falsifications of the above documents, the Council decided to amend Annex I by adding a series of security features, of which at least two have to be included in the documents. The European Parliament decided to follow the Commission's approach and did not adopt amendments on this issue.

Procedure to authorise international regular services: the common position foresees a streamlined and simplified procedure. Authorisation will henceforth be granted except in the following two cases: i) the service applied for would seriously affect the viability of a comparable service covered by one or more public service contracts on the direct sections concerned conforming to Community law, or ii) the principal purpose of the service is not to carry passengers between stops located in different Member States. In this context Member States have to set up non-discriminatory criteria when evaluating the viability of a public service contract during the authorisation procedure for international regular services.

The Council followed the Commission's approach that the authorities of Member States whose territory is merely crossed in transit, but where no passengers are picked up or set down, will simply be informed once the Member States concerned have agreed to authorise the service in question. However, the Council in addition set a two months deadline for the Commission to reach a decision on authorisation in cases the authorising authority is unable to reach such decision.

The European Parliament, on the contrary, deleted the possibility for the Member State to suspend or to withdraw an authorisation in case it seriously affects the viability of a public service contract.

Cabotage: as regards cabotage, the Council followed broadly the Commission proposal. Hence, the rules on cabotage remain in substance largely unchanged. In particular, the Council approved the deletion of the provision of Article 9 of Regulation (EC) No 12/98 on safeguard measures in case of serious disturbances of a national transport market.

As concerns the cabotage operations in the course of a regular international service, the Council specifies that this means "the picking up and setting down of passengers" within the same Member State, in compliance with the provisions of this Regulation, provided that it is not the principal purpose of this service.

Furthermore, the Council in conformity with the European Parliament deleted in its common position any reference to working time provisions as concerns the rules applicable to cabotage transport operations since no harmonised Community rules are in place.

Cooperation between Member States: following the Commission, the Council decided to include in its common position a provision obliging the Member States to exchange information via the national contact points. Member States are obliged to enter into their national register of road transport undertakings all serious infringements of Community transport legislation which have led to the imposition of a penalty. Moreover, the Council decided to enter into the national registers any temporary or permanent withdrawal of the Community licence or of the certified true copies. The latter entries

will remain in the data base for two years. The European Parliament decided to follow the Commission proposal and did not adopt amendments on this issue.

Sanctioning of infringements: the common position as agreed by the Council followed to a large extent the Commission's approach towards serious infringements. However, the Council decided against the issuing of a warning and agreed to leave the choice of action to the Member States. Moreover, the Council agreed to leave the weighting of repeated minor infringements to the discretion of the Member States. The common position also introduces the obligation for the competent authority of the Member State of establishment of the undertaking to communicate to the competent authority of the Member State in which an infringement was ascertained whether and which penalties have been imposed. This communication has to be issued within two months after the final decision on the matter has been taken.

As regards the procedure to the followed by the Member State which ascertains a serious infringement committed by a non-resident haulier, the common position provides a delay of two months (instead of one month) to communicate the to the Member State of establishment. Moreover, the text does not contain any obligation for the Member State of establishment of the haulier to report on the follow-up. The European Parliament also decided against the inclusion of provisions concerning repeated minor infringement. Moreover, it voted in favour of a provision allowing the imposition of fines as a possible penalty.

Further amendments not included in the common position concern:

- 1 January 2009 as a fixed date of application of this Regulation;
- the reference to the Directive on the posting of workers as rules applicable to cabotage;
- the possibility to exempt cross-border regular services not extending more than 50 km beyond the border Member States from the authorisation procedure;
- the widening of the permission of local excursion;
- the reintroduction of the "12 days rule" in the legislation on driving and rest times.

Access to the international market for coach and bus services. Recast

2007/0097(COD) - 21/10/2009 - Final act

PURPOSE: to provide a consistent framework for the international carriage of passengers by coach and bus throughout the Community.

LEGISLATIVE ACT: 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, and amending Regulation (EC) No 561/2006.

CONTENT: the Council adopted three regulations that seek to modernise, replace and merge provisions governing road transport operators and access to the road transport markets, following a second reading agreement with the European Parliament under the codecision procedure. These regulations concern:

- access to the international road haulage market;
- admission to the occupation of road transport operator;
- on access to the international market of coach and bus services.

This Regulation which lays down the common rules governing access to the international market for the carriage of passengers by coach and bus seeks to revise and consolidate the current legislative framework by clarifying its scope by simplifying procedures and establishing a standardised format for the Community licence and certified copies thereof.

A number of substantial changes are to be made to Council Regulation (EEC) No 684/92 on common rules for the international carriage of passengers by coach and bus and to 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, In the interests of clarity and simplification, those Regulations have been recast and incorporated into one single regulation.

The main features of the new regulation are as follows:

Scope: this Regulation shall apply to the international carriage of passengers by coach and bus within the territory of the Community by carriers for hire or reward or by own-account carriers established in a Member State in accordance with its law, using vehicles which are registered in that Member State and are suitable and intended, by virtue of their construction and equipment, to carry more than nine persons, including the driver, and to the movement of such vehicles when empty in connection with such carriage.

In the event of carriage from a Member State to a third country and vice versa, this Regulation shall apply to the part of the journey on the territory of any Member State crossed in transit. It shall not apply to that part of the journey within the territory of the Member State of picking up or setting down, as long as the necessary agreement between the Community and the third country concerned has not been concluded.

This Regulation shall apply to national road passenger services for hire or reward operated on a temporary basis by a non-resident carrier.

12-day rule: in order to encourage tourism and the use of environmentally friendly means of transport, Regulation (EC) No 561/2006 has been amended to allow drivers engaged in a single occasional service providing international carriage of passengers to postpone their weekly rest period for up to 12 consecutive 24-hour

periods if they are involved in passenger transport activities that typically do not include continuous and long driving hours. Such a postponement should only be allowed under very strict conditions which preserve road safety and take into account the working conditions of drivers, in particular, the obligation to take weekly rest periods immediately before and after the service.

Thus, **a driver engaged in a single occasional service of international carriage of passengers may postpone the weekly rest period for up to 12 consecutive 24-hour periods following a previous regular weekly rest period**, provided that:

a) the service lasts at least 24 consecutive hours in a Member State or a third country to which this Regulation applies other than the one in which the service started;

b) the driver takes after the use of the derogation: i) either two regular weekly rest periods; or ii) one regular weekly rest period and one reduced weekly rest period of at least 24 hours. However, the reduction shall be compensated by an equivalent period of rest taken en bloc before the end of the third week following the end of the derogation period; and

c) after 1 January 2014, the vehicle is equipped with recording equipment in accordance with the requirements of Annex IB to Regulation (EEC) No 3821/85; and

d) after 1 January 2014, if driving during the period from 22,00 to 06,00, the vehicle is multi-manned or the driving period referred to in Article 7 is reduced to three hours.

The Commission shall monitor closely the use made of this derogation in order to ensure the preservation of road safety under very strict conditions, in particular by checking that the total accumulated driving time during the period covered by the derogation is not excessive. By 4 December 2012, the Commission shall draw up a report assessing the consequences of the derogation in respect of road safety as well as social aspects. If it deems it appropriate, the Commission shall propose amendments to this Regulation in this respect.

This provision will apply from 4 June 2010.

Community licence: the international carriage of passengers by coach and bus should be conditional on the possession of a Community licence. Carriers should be required to carry a certified true copy of the Community licence aboard each of their vehicles, in order to facilitate effective controls by enforcement authorities, especially those outside the Member State in which the carrier is established. The conditions governing the issue and withdrawal of Community licences, their periods of validity and the detailed rules for their use should be determined. It is also necessary to lay down detailed specifications as regards the layout and other features of the Community licence and the certified copies thereof.

Roadside checks: roadside checks should be carried out without direct or indirect discrimination on grounds of the nationality of the road transport operator or the country of establishment of the road transport operator or of registration of the vehicle.

Authorisation: the authorisation for regular services should henceforth be granted subsequent to an authorisation procedure, unless there are clearly specified grounds for refusal attributable to the applicant. The grounds for refusal relating to the relevant market should be either that the service applied for would seriously affect the viability of a comparable service operated under one or more public service contracts on the direct sections concerned or that the principal purpose of the service is not to carry passengers between stops located in different Member States.

Non-resident carriers: non-resident carriers should be allowed to operate national road passenger services, but regard should be had to the specific characteristics of each form of service. When such cabotage operations are performed, they should be subject to Community legislation such as Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport and to national law in force in specified areas in the host Member State.

Cabotage: the provisions of Directive 96/71/EC of the European Parliament and of the Council concerning the posting of workers in the framework of the provision of services apply to transport undertakings performing a cabotage operation.

Penalties: the new regulation adapts the current rules in such a way as to allow the effective sanctioning of serious infringements committed in a Member State other than the Member State of establishment. Penalties should be non-discriminatory and proportionate to the seriousness of the infringements. It should be possible to lodge an appeal in respect of any penalties imposed.

Member States should enter in their national electronic register of road transport undertakings all serious infringements attributable to carriers which have led to the imposition of a penalty.

In line with Parliament's wishes, Member States should provide a warning before the imposition of administrative penalties. Furthermore, the competent authorities of the Member State of establishment shall communicate to the competent authorities of the Member State in which the infringements were ascertained at the latest within six weeks of their final decision on the matter which penalties have been imposed.

Agreements between Member States: Member States may conclude bilateral and multilateral agreements on the further liberalisation of the services covered by this Regulation, especially in border regions.

ENTRY INTO FORCE: 04/12/2009.

APPLICATION: from 04/12/2011, with the exception of the '12-day rule' which is applicable from 04/06/2010.

Access to the international market for coach and bus services. Recast

2007/0097(COD) - 12/06/2008

The Council reached by qualified majority, in a public deliberation, **political agreements** on three legislative proposals that seek to modernise, replace and merge provisions governing road transport operators and access to the road transport markets. (See also COD/2007/0098 and COD/2007/0099). The Austrian delegation indicated that it would vote against. The Czech, Italian and Portuguese delegations would abstain.

Ministers were invited to agree on the presidency compromise text addressing the main outstanding political questions of this legislative package, in particular: cabotage and the establishment of national electronic registers.

The Commission submitted these proposals with the aim of reducing distortions of competition and improving transport operators' compliance with the provisions of social legislation on road safety rules.

The draft regulation on common rules for access to the international market for **coach and bus services** is aimed at revising and consolidating the current legislative framework (Regulations 684/92 and 12/98) by clarifying the scope, simplifying procedures and establishing a standardised format for the Community licence and certified copies.

All Member States welcomed the Commission's proposal and agreed on the need to simplify and further harmonise the current rules by eliminating legal uncertainty, reducing the administrative burden and improving the exchange of information.

Compared to the Commission’s initial proposal, the Council’s preparatory bodies adapted certain provisions to allow an overall consensus on the draft regulation. This consensus concerns in particular:

- scope and definitions, such as the definitions of international carriage and cabotage operations;
- a simplified and standardised format for the Community licence and certified copies including a list of security features in order to avoid their manipulation and forgery;
- access to the market;
- implementation issues.

Access to the international market for coach and bus services. Recast

2007/0097(COD) - 07/04/2008

The Council held a public policy debate on three legislative proposals1 that seek to modernise, replace and merge legislation governing road transport operators and access to the road transport markets (also see COD/2007/0098 and COD/2007/0099).

Ministers were invited to agree in principle to the outline of the presidency compromise package on the key elements of two of the three proposals.

The Council broadly supported the presidency compromise as a good basis for further work on these proposals and invited Coreper to pursue examination of the outstanding issues, with the objective of reaching a political agreement on all these proposals at the Transport, Telecommunications and Energy Council in June 2008. The presidency compromise focuses, in particular, on two main issues, namely cabotage and national electronic registers.

All member states welcomed the Commission’s proposal aimed at revising and consolidating the current legislative framework on access to the international market for coach and bus services. They agreed on the need to simplify and further harmonise the current rules by eliminating legal uncertainty, reducing the administrative burden and improving the exchange of information.

The technical examination of this proposal will continue in the working party. However, as delegations identified in this proposal similar issues to those in the two previous proposals, they agreed to also apply, as appropriate, the solutions found for the relevant articles of the market access proposal and the transport operator proposal to the coach and bus services proposal.