



Procedure file

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Repealed by 2007/0097(COD)		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

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	TRAN Transport and Tourism		02/12/1994
		RDE KILLILEA Mark	
	Former committee responsible		
	TRAN Transport and Tourism		02/12/1994
		RDE KILLILEA Mark	
	Former committee for opinion		
	ECON Economic and Monetary Affairs, Industrial Policy		21/02/1996
		EDN BLOKLAND Johannes	
	JURI Legal Affairs, Citizens' Rights	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	Transport, Telecommunications and Energy	2059	11/12/1997
	Fisheries	1998	14/04/1997
	Transport, Telecommunications and Energy	1979	13/12/1996
	Transport, Telecommunications and Energy	1951	03/10/1996

Key events			
06/03/1995	Additional information		Summary
12/01/1996	Legislative proposal published	COM(1995)0729	Summary
16/02/1996	Committee referral announced in Parliament		
01/10/1996	Vote in committee		Summary
01/10/1996	Committee report tabled for plenary, 1st reading/single reading	A4-0291/1996	
03/10/1996	Debate in Council	1951	Summary

27/11/1996	Debate in Parliament		Summary
28/11/1996	Decision by Parliament	T4-0642/1996	Summary
26/02/1997	Modified legislative proposal published	COM(1997)0072	Summary
14/04/1997	Council position published	05302/1/1997	Summary
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	A4-0234/1997	
15/07/1997	Debate in Parliament		Summary
16/07/1997	Decision by Parliament, 2nd reading	T4-0378/1997	Summary
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

Procedure reference	1996/0002(SYN)
Procedure type	SYN - Cooperation procedure (historic)
Procedure subtype	Legislation
	Repealed by 2007/0097(COD)
Legal basis	EC before Amsterdam E 075
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/4/08798

Documentation gateway

Legislative proposal	COM(1995)0729 OJ C 060 29.02.1996, p. 0010	12/01/1996	EC	Summary
Economic and Social Committee: opinion, report	CES1083/1996 OJ C 030 30.01.1997, p. 0040	25/09/1996	ESC	Summary
Committee report tabled for plenary, 1st reading/single reading	A4-0291/1996 OJ C 347 18.11.1996, p. 0004	01/10/1996	EP	
Text adopted by Parliament, 1st reading/single reading	T4-0642/1996 OJ C 380 16.12.1996, p. 0013-0035	28/11/1996	EP	Summary
Modified legislative proposal	COM(1997)0072 OJ C 124 21.04.1997, p. 0073	26/02/1997	EC	Summary
Council position	05302/1/1997 OJ C 164 30.05.1997, p. 0017	14/04/1997	CSL	Summary
Commission communication on Council's position	SEC(1997)0721	21/04/1997	EC	Summary

Committee recommendation tabled for plenary, 2nd reading	A4-0234/1997 OJ C 286 22.09.1997, p. 0008	03/07/1997	EP	
Text adopted by Parliament, 2nd reading	T4-0378/1997 OJ C 286 22.09.1997, p. 0071-0084	16/07/1997	EP	Summary
Modified legislative proposal	COM(1997)0455	02/10/1997	EC	
Follow-up document	COM(1999)0327	06/07/1999	EC	
Follow-up document	COM(2004)0527	29/07/2004	EC	Summary

Additional information

European Commission

[EUR-Lex](#)

Final act

[Regulation 1998/12](#)
[OJ L 004 08.01.1998, p. 0010](#) Summary

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

PREVIOUS COMMUNITY LEGISLATION: Council Regulation 2454/92/EEC of 23 July 1992 laying down the conditions under which non-resident carriers may operate national road passenger transport services within a Member State (OJ L 251, 29.8.1992). Cabotage transport operations for the carriage of workers between home and work and carriage to and from the educational institution for school pupils and students is restricted to frontier zones, as are, for a transitional period (from 1 January 1993 to 31 December 1995), cabotage transport operations for non-regular services of the same group of passengers along an entire route ('closed-door tours'). Under Article 12, the Commission is to report to the Council before 31 December 1995 on the application of the regulation and, in particular, on the impact of cabotage transport operations on the market and on whether consideration should be given to extending the scope of the regulation; the report is a prerequisite for a review of the situation of regular services as defined in Article 2. PREVIOUS POSITION OF EP: In its resolution of 10 March 1988 delivering an opinion in favour of the proposal for a regulation, Parliament tabled three amendments: of the two accepted by the Commission and approved by the Council, one made the regulation applicable for transport by coach and bus with a capacity of more than nine persons and the other established the requirement for the Member States to communicate to the Commission the provisions adopted in implementation of the regulation; the third, which was rejected by the Commission, proposed postponing the regulation's entry into force by one year. SITUATION: The Court of Justice (judgment of 1 June 1994 in Case C-388/92) annulled Council Regulation 2454/92/EEC following an application from Parliament; the Court considered that a major change to the initial proposal (the restrictions referred to under 4 above) should have prompted further consultation of Parliament. The judgment retains the provisions of the annulled regulation until the Council, after consultation with Parliament, has adopted new legislation in the matter.

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

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

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

The transport committee welcomed two Commission proposals on passenger transport by bus and coach, which were considered as an important step towards further liberalisation of this transport sector. In one proposal, the Commission set out the conditions for non-resident carriers operating national road passenger transport services, replacing Regulation 2454/92, the other contains common rules for the international carriage of passengers by coach and bus (amendment of Regulation 684/92). Rapporteur Mr Mark KILLILEA supported both proposals, which greatly widen the scope of cabotage transport operations and introduce a "Community coach licence" into the legislation. This licence should eventually become the sole document required to prove that a EU carrier is authorized to provide passenger transport by bus and coach across the EU. The rapporteur has tabled a number of amendments to both proposals, seeking to avoid the risks of unfair competition and social dumping. ?

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

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

The rapporteur, Mr Killilea (UPE, IRL), welcomed the deregulation of the bus and coach passenger transport sector and at the same time underlined that this had to go hand in hand with the harmonisation of the social, fiscal and technical conditions applying to the road transport system. He also wanted to see measures introduced to reduce the risk of distortions of competition in a sector that had become more vulnerable seeing that the direct benefits of lower prices belonged to the most impoverished strata of society, such as poor students and emigrants with their families. Finally, Mr Killilea stressed that the deregulation of this sector would also pay dividends because of the reduction in the number of vehicles on the roads, which would in turn mean fewer traffic jams and less pollution along the main transport arteries. Mr Kinnock stated that the two proposals aimed at promoting bus and coach transport at both national and international level were fully consistent with the approach outlined in the Green Paper 'The Citizens' Network'. He then went on to list those amendments on cabotage that could be taken over, namely Amendments Nos 1, 3, 4, 6, 9, 11, 14, 16 (par. 2) and 18 (part 1). However, he rejected Amendments Nos 2, 5, 7, 8, 10 and 13 (the latter because it would excessively restrict the rights of cabotage). He also excluded Amendment No 12, which ran counter to the objective of harmonisation that was the very subject of the proposal, along with Amendments Nos 15 and 16 (part 1).

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

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

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

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

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

The rapporteur stated that the common position represented an improvement on the previous legislation. However, Parliament should encourage further progress in this area. This was why only two amendments had been re-tabled at second reading: they stated that Parliament should remain vigilant with regard to cabotage and passenger transport in the Union, in terms of the free movement of people and the freedom of establishment in the internal market. Commissioner Kinnock said that the Commission could accept a redrafted version of Amendment No 1 and the part of Amendment No 2 that dealt with the report on the application of Regulation No 2454/92 which would be presented the following year. On the other hand, it could not accept the amendment of Mr Grosch (EPP, BE) as the exclusion of regional bus services from the amended regulation would be a backward step from the progress already achieved.

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

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. ?

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

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. ?