

# Procedure file

Basic information		
SYN - Cooperation procedure (historic)	<a href="#">1996/0125(SYN)</a>	Procedure completed
Common rules for international carriage by coach and bus (amend. Regulation (EEC) No 684/92)		
Subject 3.20.05 Road transport: passengers and freight		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<span>TRAN</span> Transport and Tourism		04/06/1996
		UPE <a href="#">KILLILEA Mark</a>	
	Former committee responsible		04/06/1996
	<span>TRAN</span> Transport and Tourism		
		UPE <a href="#">KILLILEA Mark</a>	
	Former committee for opinion		23/07/1996
	<span>JURI</span> Legal Affairs, Citizens' Rights		
		ELDR <a href="#">WIJSENBEEK Florus A.</a>	
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">2059</a>	11/12/1997
	Fisheries	<a href="#">1998</a>	14/04/1997
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">1979</a>	13/12/1996
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">1951</a>	03/10/1996

Key events			
10/05/1996	Legislative proposal published	COM(1996)0190	Summary
17/06/1996	Committee referral announced in Parliament		
01/10/1996	Vote in committee		Summary
01/10/1996	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A4-0292/1996</a>	
03/10/1996	Debate in Council	<a href="#">1951</a>	
27/11/1996	Debate in Parliament		Summary
28/11/1996	Decision by Parliament	T4-0643/1996	Summary

26/02/1997	Modified legislative proposal published	COM(1997)0073	Summary
14/04/1997	Council position published	<a href="#">05300/1/1997</a>	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	<a href="#">A4-0233/1997</a>	
15/07/1997	Debate in Parliament		Summary
16/07/1997	Decision by Parliament, 2nd reading	T4-0379/1997	Summary
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	1996/0125(SYN)
Procedure type	SYN - Cooperation procedure (historic)
Procedure subtype	Legislation
Legal basis	EC before Amsterdam E 075-p1
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/4/08799

### Documentation gateway

Legislative proposal	COM(1996)0190	10/05/1996	EC	Summary
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A4-0292/1996</a> <a href="#">OJ C 347 18.11.1996, p. 0004</a>	01/10/1996	EP	
Economic and Social Committee: opinion, report	<a href="#">CES1390/1996</a> <a href="#">OJ C 066 03.03.1997, p. 0023</a>	27/11/1996	ESC	Summary
Text adopted by Parliament, 1st reading/single reading	T4-0643/1996 <a href="#">OJ C 380 16.12.1996, p. 0013-0040</a>	28/11/1996	EP	Summary
Modified legislative proposal	COM(1997)0073 <a href="#">OJ C 107 05.04.1997, p. 0003</a>	26/02/1997	EC	Summary
Council position	<a href="#">05300/1/1997</a> <a href="#">OJ C 164 30.05.1997, p. 0001</a>	14/04/1997	CSL	Summary
Commission communication on Council's position	SEC(1997)0722	21/04/1997	EC	Summary
Committee recommendation tabled for plenary, 2nd reading	<a href="#">A4-0233/1997</a> <a href="#">OJ C 286 22.09.1997, p. 0008</a>	03/07/1997	EP	
Text adopted by Parliament, 2nd reading	T4-0379/1997 <a href="#">OJ C 286 22.09.1997, p. 0071-0085</a>	16/07/1997	EP	Summary
Commission opinion on Parliament's position at 2nd reading	COM(1997)0456	15/10/1997	EC	

## Additional information

European Commission

[EUR-Lex](#)

## Final act

[Regulation 1998/11](#)[OJ L 004 08.01.1998, p. 0001](#) Summary

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

**OBJECTIVE:** the proposal for a regulation aims to continue the liberalization process begun at Community level concerning the international carriage of passengers by coach and bus. **CONTENT:** the new proposal for a regulation simplifies and clarifies the current provisions of Regulation (EEC) No 92/684 by making the following amendments: - elimination of the category of international shuttle services; - elimination of the category of residual occasional services; - liberalization of all occasional services; - liberalization of all special regular services and own-account transport operations; - improved wording of the definition of occasional services; - introduction of the Community coach licence; - restoration of competition between regular coach and bus services and regular rail services; - extension of certain time limits for the granting of licences; - setting identical rules for access to the market for EU and EEA transport operators.?

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

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 KILILEA 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. ?

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

The ESC - supports the retention of the conditions laid down for access of this type of carriage to the market; - finds it necessary to retain an authorization procedure for other own-account transport operations in addition to those defined in the proposal to avoid any unfair competition with carriers working for another party; - welcomes the idea of a Community licence; - feels that some control over the operation of additional vehicles should be retained; - points out that carriers will be hit by the fact that international occasional services will no longer be able to undertake local excursions; - in particular welcomes the rules governing driving and rest time and roadworthiness tests which have been added in the new proposal. Lastly, the ESC is particularly aware of the importance of coach passenger safety and the need to provide full safety details during coach journeys, especially international long-distance journeys. The ESC feels that safety must be guaranteed as effectively as possible and urges the Commission to take this factor into account when finalizing the present proposal and preparing future initiatives in the sphere of international carriage of passengers by road. ?

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

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

In adopting the report by Mr Mark KILLILEA (UPE, IrI), Parliament approved the Commission proposal which clarifies the existing rules for the international carriage of passengers by bus (urban transport) and coach (road transport), while proposing amendments aimed at removing the risks of unfair competition and social dumping. Parliament insisted inter alia on: - the principle of reducing road traffic in the Community while respecting the right of users to choose their mode of transport; - the classification of international coach and bus services as regular and non-regular services, which implies the abolition of the concepts of special regular service, occasional services and shuttle service; - the need to make the international carriage of passengers by road for hire or reward and own-account operations subject to a Community licence issued by means of administrative procedures which are straightforward and do not constitute a burden for transport undertakings; - the need to exclude urban and regional carriage in frontier areas from the scope of the Regulation until such time as the Council has adopted a regulation on the franchising of public services; - the total accessibility of all inter-city coaches, especially at European long-distance level; - meeting the legal requirements concerning social benefits and road safety in respect of the rules applying to drivers and vehicles; - the need to launch negotiations with third countries on the subject of non-occasional international passenger transport by bus. ?

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

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The Commission's amended proposal retains 9 of the 26 amendments proposed by Parliament at first reading. The Commission has accepted the amendments on: - the general principle of the liberalization of international carriage of passengers in tandem with the phased harmonization of the socio-economic, fiscal and technical conditions governing road passenger transport within the Member States and alongside measures to ensure non-discriminatory conditions for operators; - the simplification of administrative procedures for the issuing of the Community licence; - the exclusion of urban and suburban services from the scope of the Regulation on international carriage; - the accessibility of transport systems; - the definition of occasional services and own-account transport operations; - the use of additional vehicles. It has rejected the amendments on - introducing new definitions and new principles for transport policy; - introducing the Community licence for own-account transport; - excluding commuter transport from the scope of the Regulation; - extending the scope of the Regulation to taxis or to third countries; - restricting access for occasional services and special regular services to international transport; - introducing inappropriate social standards; - introducing a discriminatory authorization scheme. The Commission has also rejected the proposed dates for submission of a report by the commission and for the implementation of the Regulation, as well as the amendment on codification. ?

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

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The Council's common position retains 6 amendments adopted by Parliament at first reading and incorporated by the Commission in its modified proposal. These relate in particular to: - the issuing of a Community licence for the operation of international passenger transport by coach and bus; - the definition of various services (occasional services, own-account transport operations); - the provision of additional vehicles; - the submission by the Commission of a report on the results of the application of the Regulation not only in the Council but also in the European Parliament (amendment not included in the Commission's modified proposal). The Council, while welcoming the principle of a Community licence, made some changes to the Commission proposal: 1. In the definition of the various services, the Council has - deleted the category of urban carriage in frontier areas, which was hitherto regarded as a special regular service, - simplified the definition of occasional services by retaining only an a contrario definition, but at the same time maintaining the protection clause for existing regular services, - deleted the obligation incumbent on additional vehicle providers to hold a Community licence, this now being required only of the transporter operating the service, - added to the definition of own-account transport the additional qualifier 'non-profit-making' next to 'non-commercial'. 2. On operating conditions for regular services, the Council recommends relaxing the arrangements as regards the shortening of intervals between services, so that they are no longer subject to authorization, and are now regarded as a change of minor importance, subject to the notification procedure provided for by Article 8(3) of Regulation 684/92. 3. Establishment of an advisory committee: The Council has made provision for such a committee to assist the Commission when it adopts implementing measures especially where they concern transport documents. 4. Local excursions: The Council has retained Article 12 of Regulation 684/92 on local excursions, since these are considered as representing a stage in international transport. 5. Competition with rail services: the common position provides that up to 31 December 1999, a Member State may, on the basis of a detailed analysis refuse authorization for a regular international bus and coach service if it is shown that the said service would seriously affect the viability of a comparable rail service on the direct sections concerned. From 1 January 2000, a safeguard clause is provided which makes provision for the possibility of withdrawing or suspending authorization, after giving the carrier six months' notice. 6. Date of entry into force of the Regulation: the Council makes provision for a period between entry into force and application of 12 months for the Regulation and 18 months for the Community licence. ?

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

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The text of the common position took account of most of the simplifications recommended by the Commission and Parliament, particularly as regards the definition of various services. The Council had also accepted the introduction of a Community coach and bus licence. As a result, the Commission supported the common position. ?

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

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The rapporteur had re-tabled the amendments on the need to subordinate access to the market for drivers and vehicles to compliance with the legal requirements on social benefits and road safety. Mr Killilea also insisted that the Commission should submit, before December 1999, a new draft regulation extending the scope of the current proposal. Commissioner Kinnock said that legislation on driving and rest time had already been provided for in the existing text and that, as a result, Amendments Nos 1 and 2 could not be accepted. Likewise, Amendment No 3 could not be accepted as it would not be possible to consider further regulation before the end of 1998 given that the current amendment of Regulation No 684/92 would be adopted only the following October and would only enter into force twelve months after its adoption.

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

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In adopting the recommendation for second reading by Mr Mark KILLILEA (UPE, Irl), the European Parliament approved the common position, while retabling certain amendments which it regarded as essential. Some of Parliament's amendments concerned the need to meet the legal requirements concerning social benefits and road safety in respect of the rules applying to drivers and vehicles. Another called on the Commission to report to the Council and the European Parliament on the application of the Regulation before 31 December 1998. In addition, before 1 January 1999 the Commission was called upon to submit to the Council a proposal for a Regulation on the simplification of procedures, including the abolition of authorizations. Before 1 January 2000 the Council was to act by a qualified majority on the Commission proposal. ?

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

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**OBJECTIVE:** to set common rules for international passenger transport by coach and bus. **COMMUNITY MEASURE:** Council Regulation (EC) No 11/98 amending Regulation (EEC) No 684/92 on common rules for the international carriage of passengers by coach and bus.

**SUBSTANCE:** the Regulation has the following particular purposes: - to simplify and improve the definitions of the various international coach and bus services, i.e. regular services, special regular services, occasional services and own-account transport operations; - to institute a system of rules on access to the market free of any authorization requirements for all occasional services, for special regular services and for all own-account transport operations; - to continue the authorization system for regular services, while making the conditions for the operation of such services somewhat more flexible; - to relax certain deadlines for the authorization procedure; - to abolish, after a certain period, the priority enjoyed by rail when establishing a coach and bus service, the aim being to preserve intermodal competition; - to introduce a Community licence for international carriage of passengers by bus and coach, with a harmonized model and a swift and effective issuing procedure; - to liberalize certain services of minor economic importance. The Member States will take the necessary measures to implement the Regulation, particularly as regards penalties, which must be effective, proportionate and dissuasive. The Commission will be assisted by an advisory committee in the adoption of the implementation measures relating to transport documents. It will report to the European Parliament and the Council by 31/12/1999 on the results of the application of the Regulation. **ENTRY INTO FORCE:** 09/01/1998. The Regulation is applicable as from 11/12/1998, with the exception of the provisions concerning the Community licence, which will apply from 11/06/1999. ?

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

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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 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.