

# Procedure file

## Basic information

COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2017/0288(COD)	Awaiting Council's 1st reading position
Access to the international market by coach and bus services: further opening of national markets  Amending Regulation (EC) No 1073/2009 <a href="#">2007/0097(COD)</a>		
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
	<a href="#">TRAN Transport and Tourism</a>	 <a href="#">ZÍLE Roberts</a>	16/01/2018
		Shadow rapporteur	
		 <a href="#">ARIAS ECHEVERRÍA</a> <a href="#">Pablo</a>	
		 <a href="#">VITANOV Petar</a>	
		 <a href="#">RIQUET Dominique</a>	
		 <a href="#">CUFFE Ciarán</a>	
		 <a href="#">BORCHIA Paolo</a>	
	Former committee responsible		
	<a href="#">TRAN Transport and Tourism</a>		16/01/2018
		 <a href="#">ZÍLE Roberts</a>	
	Former committee for opinion		
	<a href="#">EMPL Employment and Social Affairs</a>	The committee decided not to give an opinion.	
Council of the European Union European Commission  European Economic and Social Committee	Commission DG  <a href="#">Mobility and Transport</a>	Commissioner  BULC Violeta	

## Key events

08/11/2017	Legislative proposal published	<a href="#">COM(2017)0647</a>	Summary
29/11/2017	Committee referral announced in Parliament, 1st reading		
22/01/2019	Vote in committee, 1st reading		
28/01/2019	Committee report tabled for plenary, 1st reading	<a href="#">A8-0032/2019</a>	Summary
13/02/2019	Debate in Parliament		
14/02/2019	Results of vote in Parliament		
14/02/2019	Decision by Parliament, 1st reading	<a href="#">T8-0125/2019</a>	Summary
24/09/2019	Committee decision to open interinstitutional negotiations after 1st reading in Parliament		
09/10/2019	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		

## Technical information

Procedure reference	2017/0288(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Regulation (EC) No 1073/2009 <a href="#">2007/0097(COD)</a>
Legal basis	Treaty on the Functioning of the EU TFEU 091-p1
Mandatory consultation of other institutions	<a href="#">European Economic and Social Committee</a> <a href="#">European Committee of the Regions</a>
Stage reached in procedure	Awaiting Council's 1st reading position
Committee dossier	TRAN/8/11610

## Documentation gateway

Legislative proposal	<a href="#">COM(2017)0647</a>	08/11/2017	EC	Summary
Document attached to the procedure	<a href="#">SWD(2017)0358</a>	09/11/2017	EC	
Document attached to the procedure	<a href="#">SWD(2017)0359</a>	09/11/2017	EC	
Document attached to the procedure	<a href="#">SWD(2017)0360</a>	09/11/2017	EC	
Document attached to the procedure	<a href="#">SWD(2017)0361</a>	09/11/2017	EC	
Committee draft report	<a href="#">PE623.746</a>	15/06/2018	EP	
Committee of the Regions: opinion	<a href="#">CDR6151/2017</a>	05/07/2018	CofR	
Amendments tabled in committee	<a href="#">PE628.473</a>	04/10/2018	EP	

Amendments tabled in committee	<a href="#">PE628.553</a>	04/10/2018	EP	
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A8-0032/2019</a>	28/01/2019	EP	Summary
Text adopted by Parliament, 1st reading/single reading	<a href="#">T8-0125/2019</a>	14/02/2019	EP	Summary
Commission response to text adopted in plenary	<a href="#">SP(2019)354</a>	16/04/2019	EC	

## Additional information

Research document

[Briefing](#)

## Access to the international market by coach and bus services: further opening of national markets

PURPOSE: to promote access to national markets for regular bus and coach services.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: [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 revealed that operators in national markets are facing obstacles to the development of inter-urban coach services.

An ex-post evaluation of the Regulation was carried out from 2015 to 2017 and concluded that the Regulation is only partly effective in achieving its original objective of promoting coach and bus services as a sustainable alternative to individual car transport.

By pursuing the opening of national markets, the proposal is part of the second mobility package, which aims to combat climate change, make European industry more competitive and improve the quality of life and choice of citizens for their daily mobility.

IMPACT ASSESSMENT: the combination of measures selected would make it possible to:

- generate administrative savings for businesses and administrations in the range of EUR 1.560 million for the EU-28 over the assessment period (2015-2035);
- increase the activity of coach transport by more than 11 % in 2030 relative to the baseline and increase its modal share by almost one percentage point;
- improve the connectivity of disadvantaged social groups by 62 billion passenger-kilometres in 2030 while creating 85 000 new jobs and contribute to lower accident costs of EUR 2.8 billion for the EU-28 over the assessment period;
- have a positive impact on the environment with a EUR 183 million net cumulative savings in CO2 emissions costs and net cumulative savings in air pollution costs of EUR 590 million for the EU-28;

This would not undermine the sustainability of public service contracts serving remote urban areas.

CONTENT: the proposal aims to amend the Regulation on passenger coach services with a view to granting access to national markets for regular services.

It provides in particular for the following:

Scope: the proposal extends the scope of Regulation (EC) No 1073/2009 to all inter-urban carriage of passengers by regular services. Non-resident carriers should be able to operate national regular services under the same conditions as resident carriers.

Regulatory body: each Member State is required to designate an independent and impartial regulatory body. The objective of that requirement is to avoid any conflicts of interest when a regulatory body is conducting an economic analysis to determine if economic equilibrium of a public service contract is compromised. The body should be able to obtain the information requested and enforce its decisions by means of appropriate penalties.

Right of access to terminals: carriers should enjoy a right of access to terminals on fair, equitable, non-discriminatory and transparent terms for the purpose of operating regular services. Applications for access should only be refused if there is a lack of capacity in the terminal. Decisions on applications for access are to be taken within two months and shall contain a proper statement of reasons. Carriers shall have the possibility to appeal decisions to the Regulatory body.

Regular services subject to authorisation: the proposal establishes:

- an authorising procedure for the international carriage of passengers over a distance of less than 100 kilometres as the crow flies: authorisations shall be granted unless rejection is justified under the clearly specified;
- an authorising procedure for the international carriage of passengers over a distance 100 kilometres or more as the crow flies: the refusal of a new service cannot be justified on the grounds that it compromises the economic equilibrium of a public service contract;
- an authorisation procedure for national regular services: the authorisation for a new service carrying passengers over distance of less than 100 kilometres as the crow flies can be rejected if it compromises the economic equilibrium of a public service contract.

In addition, the proposal:

- abolishes the use of the journey form as a control document for occasional services. This should eliminate an unnecessary

- administrative burden;
- deletes the obligation according to which regular services are to be performed as part of a regular international service as well as the prohibition of cabotage operations in the form of regular services being carried out independent of a regular service;
  - puts an end to the obligation to establish cabotage journey forms for occasional services;
  - amends rules relating to inspections on the road and in undertakings to include cabotage operations.

Lastly, reporting requirements are foreseen so that the Commission can have consistent information from all Member States to enable it to monitor and evaluate the implementation and effectiveness of the legislation.

## Access to the international market by coach and bus services: further opening of national markets

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The Committee on Transport and Tourism adopted the report by Roberts Z?LE (ECR, LV) on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 1073/2009 on common rules for access to the international market for coach and bus services.

The committee recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the Commission's proposal as follows.

### Definitions

Members proposed to include the definition of public service contract to mean one or more legally binding acts confirming the agreement between a competent authority and a public service operator to entrust to that public service operator the management and operation of public passenger transport services subject to public service obligations; depending on the law of the Member State, the contract may also consist of a decision adopted by the competent authority taking the form of an individual legislative or regulatory act, or containing conditions under which the competent authority itself provides the services or entrusts the provision of such services to an internal operator.

### Access to terminals

Where terminal operators grant access, bus and coach operators shall comply with the terminals existing terms and conditions.

Requests for access to terminals may be refused only on duly justified grounds of lack of capacity considerations, repeated failure to pay fees, duly documented serious and repeated infringements by the road transport operator, or other national provisions, provided they are consistently applied and do not discriminate either against particular carriers seeking access to a terminal, or their associated business models. If a request is refused, the terminal operator shall also communicate its decision to the regulatory authority.

Procedures for authorisation, suspension and withdrawal of authorisation for the international carriage of passengers over a distance of up to 100 kilometres journey distance

Members introduced a new clause whereby authorisation for a new service can effectively be denied even over the Commissions proposed 100 km ceiling if the relevant service undermines an existing public service contracts that has been tendered in a transparent way without possibility of extension, bundles together profitable and unprofitable routes and receives no significant public subsidies that risk undermining the level playing field.

Decisions rejecting an application, granting authorisation with limitations, or suspending or withdrawing authorisation shall state the reasons on which they are based and, where applicable, take into account the analyses of the regulatory body. The applicant or the carrier operating the service concerned shall have the possibility to appeal the decisions of the authorising authority.

### Freedom to provide services

Without prejudice to the powers of the national competition authorities, the regulatory body shall have the power to monitor the competitive situation in the domestic market for regular passenger transport services by road, with a view to preventing discrimination or the abuse of a dominant position in the market, including through sub-contracting. Its opinions shall be binding.

It shall collect and provide information on access to terminals with an aim of ensuring that access to the terminals for service operators is granted under fair, equitable, non-discriminatory and transparent conditions and shall create a publicly accessible electronic register, listing all authorised national and international regular services.

### Authorised cabotage operations

Cabotage operations shall be authorised for the following services:

- regular services performed by a carrier not resident in the host Member State, in the course of a regular international service, with the exception of transport services meeting the needs of an urban centre or conurbation, or transport needs between it and the surrounding areas. Cabotage operations shall not be carried out independently of that international service;
- regular services performed by a carrier not resident in the host Member State, in the course of a regular national service.

### Control documents for cabotage operations

Members called for electronic documents and digital technologies to be used more efficiently to help ease the burden for drivers and reduce road-check times. In this regard, cabotage operations in the form of occasional services shall be carried out under cover of a journey form, on paper or in digital format, which shall be presented at the request of any authorised inspector. Members proposed that during checks, the driver shall be allowed to contact the head office, the transport manager or any other person or entity which may provide the requested documents.

## Access to the international market by coach and bus services: further opening of national markets

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European Parliament and of the Council amending Regulation (EC) No 1073/2009 on common rules for access to the international market for coach and bus services.

The position of the European Parliament adopted at first reading under the ordinary legislative procedure amended the Commission proposal as follows:

#### National public regulatory body

The competent authorities in each Member State shall designate a national public regulatory body for the road passenger transport sector. That body shall be an impartial authority which is, in organisational, functional, hierarchical and decision-making terms, legally distinct, transparent and independent from any other public or private entity.

Without prejudice to the powers of the national competition authorities, the regulatory body shall have the power to monitor the competitive situation in the domestic market for regular passenger transport services by road, with a view to preventing discrimination or the abuse of a dominant position in the market, including through sub-contracting. Its opinions shall be binding.

The regulatory body should: (i) collect and provide information on access to terminals with an aim of ensuring that access to the terminals for service operators is granted under fair, equitable, non-discriminatory and transparent conditions; (ii) create a publicly accessible electronic register, listing all authorised national and international regular services. Decisions taken by the regulatory body shall be made public within two weeks of their adoption.

#### Access to terminals

Where terminal operators grant access, bus and coach operators shall comply with the terminals existing terms and conditions.

Requests for access to terminals may be refused only on duly justified grounds of lack of capacity considerations, repeated failure to pay fees, duly documented serious and repeated infringements by the road transport operator, or other national provisions, provided they are consistently applied and do not discriminate either against particular carriers seeking access to a terminal, or their associated business models. If a request is refused, the terminal operator shall also communicate its decision to the regulatory authority.

Procedures for authorisation, suspension and withdrawal of authorisation for the international carriage of passengers over a distance of up to 100 kilometres journey distance

The amended text provides that in the event that an international regular bus and coach service has compromised the economic equilibrium of a public service contract, due to exceptional reasons which could not have been foreseen at the time of granting the authorisation and which lay not in the responsibility of the owner of the public service contract, the Member State concerned may, with the agreement of the Commission, suspend or withdraw the authorisation to provide the service, after having given six months notice to the carrier. The carrier shall have the possibility to appeal such decision.

For procedures for authorisation, suspension and withdrawal of authorisation for the international carriage of passengers over a distance of up to 100 kilometres, the authorising authority should take a decision on the application without delay and no later than two months of the date of submission of the application by the carrier.

Decisions rejecting an application, granting authorisation with limitations, or suspending or withdrawing authorisation shall state the reasons on which they are based and, where applicable, take into account the analyses of the regulatory body. The applicant or the carrier operating the service concerned shall have the possibility to appeal the decisions of the authorising authority.

#### Carriers obligations

A Member State may decide to require a non-resident carrier to comply with the conditions relating to the requirement of establishment, as laid down in [Regulation \(EC\) No 1071/2009](#) of the European Parliament and of the Council, in the host Member State after authorisation for a national regular service has been granted to this carrier and before the carrier starts to operate the relevant service. Such decisions shall state the reasons on which they are based.

The decision should take into account the size and duration of the activity of the non-resident carrier in the host Member State. If the host Member State establishes that the non-resident carrier does not satisfy the requirement of establishment, it may withdraw the relevant authorisations granted to it for national regular services or suspend them until the requirement is met.

#### Authorised cabotage operations

Cabotage operations shall be authorised for the following services:

- occasional services;
- regular services performed by a carrier not resident in the host Member State, in the course of a regular international service, with the exception of transport services meeting the needs of an urban centre or conurbation, or transport needs between it and the surrounding areas. Cabotage operations shall not be carried out independently of that international service.

#### Control documents for cabotage operations

Parliament called for electronic documents and digital technologies to be used more efficiently to help ease the burden for drivers and reduce road-check times. In this regard, cabotage operations in the form of occasional services shall be carried out under cover of a journey form, on paper or in digital format, which shall be presented at the request of any authorised inspector. Members proposed that during checks, the driver shall be allowed to contact the head office, the transport manager or any other person or entity which may provide the requested documents.