



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 26.02.1997
COM(97) 73 final

96/0125 (SYN)

Amended proposal for a
COUNCIL REGULATION (EC)
amending Regulation (EEC) No 684/92
on common rules for the international carriage
of passengers by coach and bus

(presented by the Commission pursuant to Article 189 a (2)
of the EC-Treaty)

EXPLANATORY MEMORANDUM

At its plenary session of 27 and 28 November 1996, the European Parliament approved, subject to a number of amendments, the proposal for a Council Regulation (EC) amending Council Regulation (EEC) No 684/92 on common rules for the international carriage of passengers by coach and bus.¹

The Commission has accepted the amendments concerning:

- Recital 1a (new) on the general principle of the liberalization and phased harmonization of the conditions of competition, subject to "Union" being replaced by "Community";
- Recital 7 where mention is made of simplifying administrative procedures for the issuing of the Community licence;
- Recital 9a (new) and Article 1(1) on excluding urban and suburban services from the scope of the Regulation on international carriage. The exclusion of international regional services cannot be accepted, since this would run counter to the objectives achieved by the creation of the internal market and would be seen as a regression compared with the previous situation established by Regulation 684/92;

¹ OJ No C 203, 13.07.96.

- Recital 9b (new) concerning the accessibility of transport systems;
- Article 1(5) and (7) concerning, respectively, the definition of occasional services and own-account transport operations;
- Article 3(1) which supplements the definition of the Community licence;
- Article 6(5) on using additional vehicles;

The Commission thus amends its proposal as follows:

Amended proposal for a
Council Regulation amending Regulation (EEC) No 684/92
on common rules for the international carriage
of passengers by coach and bus

The Commission proposal in document COM(96) 190 final - SYN 96/0125² is amended as follows:

| Initial Commission proposal | Amended proposal |
|-----------------------------|--|
| Recital 1a (new) | |
| | <p><u>"Whereas the European Community's internal market is an area for the free movement of goods, persons, services and capital; whereas it is necessary to liberalize the international carriage of passengers by coach and bus, 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;"</u></p> |

² OJ No C 203, 13.07.96.

| Initial Commission proposal | Amended proposal |
|---|---|
| Recital 7 | |
| <p>"Whereas, in order to facilitate the inspection of transport operations, the international carriage of passengers by road for hire or reward should be subject to a Community licence conforming to a harmonized model;"</p> | <p>"Whereas, in order to facilitate the inspection of transport operations, the international carriage of passengers by road for hire or reward should be subject to a Community licence conforming to a harmonized model <u>and issued by means of administrative procedures which are straightforward and do not constitute a burden for transport undertakings;</u>"</p> |

| Initial Commission proposal | Amended proposal |
|-----------------------------|---|
| Recital 9a (new) | |
| | <p><u>"Whereas urban carriage in frontier areas should, for the present, be excluded from the scope of this Regulation, in view of its character as a service in the general interest;"</u></p> |

| Initial Commission proposal | Amended proposal |
|-----------------------------|--|
| Recital 9b (new) | |
| | <p><u>"Whereas the accessibility of transport systems and in particular the accessibility of intercity bus and coach services, especially on routes across Europe, is one of the objectives of the common transport policy;"</u></p> |

| Initial Commission proposal | Amended proposal |
|---|---|
| Article 1(1) | |
| <p>Article 2 of Regulation 684/92 is amended as follows:</p> <p>A new subparagraph is added to point 1.1:</p> <p style="padding-left: 40px;">"Regular services operated within a conurbation situated in two or more Member States shall be designated "urban carriage in frontier areas"."</p> | <p>Article 2 of Regulation 684/92 is amended as follows:</p> <p>A new subparagraph is added to point 1.1:</p> <p style="padding-left: 40px;">"Regular services operated <u>as urban and suburban transport services between</u> two or more Member States shall be designated "urban carriage in frontier areas". <u>These services shall be excluded from the scope of this Regulation.</u>"</p> |

| Initial Commission proposal | Amended proposal |
|--|--|
| Article 1(5) | |
| <p>Article 2 of Regulation 684/92 is amended as follows:</p> <p>"Point 3.1 is replaced by the following:</p> <p>Occasional services are services meeting neither the definition of a regular service nor the definition of a special regular service, and which are characterized above all by the fact that they carry groups of passengers previously assembled, or that they are organized at the request of the customer, or comprise accommodation or other non-ancillary tourist services in the course of the journey or at the place of destination, or are organized on the occasion of special events, or comprise an empty journey in the course of the outward or return journey or are organized for the purpose of carrying out tours.</p> <p>The organization of parallel or temporary services comparable to existing regular services and serving the same public as the latter shall be subject to authorization in accordance with the procedure laid down in Section II of this Regulation."</p> | <p>Article 2 of Regulation 684/92 is amended as follows:</p> <p>"Point 3.1 is replaced by the following:</p> <p>Occasional services are services <u>which do not meet</u> the definition of a regular service, <u>including special regular services</u>, and which are characterized above all by the fact that they carry groups of passengers <u>assembled at the initiative of the customer or of the carrier himself</u>.</p> <p>The organization of parallel or temporary services comparable to existing regular services and serving the same public as the latter shall be subject to authorization in accordance with the procedure laid down in Section II of this Regulation."</p> |

| Initial Commission proposal | Amended proposal |
|--|---|
| Article 1(7) | |
| <p>Article 2 of Regulation 684/92 is amended as follows:</p> <p>"Point 4 is replaced by the following:</p> <p>Own-account transport operations are those carried out for non-commercial purposes, notably by an undertaking for its own employees or by a non-profit-making body for the transport of its members in connection with its social objective provided that:</p> <ul style="list-style-type: none"> - the transport activity is only an ancillary activity for the undertaking or body, - the vehicles used are the property of that undertaking or body or have been obtained on deferred terms by them or have been the subject of a long-term leasing contract and are driven by a member of the staff of the undertaking or body." | <p>Article 2 of Regulation 684/92 is amended as follows:</p> <p>"Point 4 is replaced by the following:</p> <p>Own-account transport operations are <u>services</u> carried out for <u>non-profit-making and non-commercial purposes by a natural or legal person</u>, provided that:</p> <ul style="list-style-type: none"> - the transport activity is only an ancillary activity for the <u>natural or legal person</u>, - the vehicles used are the property of that <u>natural or legal person</u> or have been obtained on deferred terms by them or have been the subject of a long-term leasing contract and are driven by a member of the staff of the <u>natural or legal person</u> or by the <u>natural person himself</u>." |

| Initial Commission proposal | Amended proposal |
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| Article 3(1) | |
| <p>Regulation 684/92 is supplemented by a new Article 3a:</p> <p>"1. Any carrier meeting the criteria laid down in Article 3(1) must hold a Community licence issued by the competent authorities of the State of establishment in accordance with the model in the Annex to this Regulation."</p> | <p>Regulation 684/92 is supplemented by a new Article 3a:</p> <p>"1. <u>With a view to the international carriage of passengers by coach or bus</u>, any carrier meeting the criteria laid down in Article 3(1) must hold a Community licence issued by the competent authorities of the State of establishment in accordance with the model in the Annex to this Regulation."</p> |

| Initial Commission proposal | Amended proposal |
|--|--|
| Article 6(5) | |
| <p>Article 5 of Regulation 684/92 is amended as follows:</p> <p>"6. In the case of additional vehicles being used for existing regular services, a copy of the corresponding contract or document between the operator of the regular service and the carrier providing the additional vehicles and a copy of the authorization of the regular service must be carried on the vehicle.</p> <p>A carrier providing additional vehicles must hold the Community licence provided for in Article 3(a). A true copy of the Community licence must be carried on the additional vehicle."</p> | <p>Article 5 of Regulation 684/92 is amended as follows:</p> <p>"6. <u>The operator of the regular services may use additional vehicles to cope with temporary or exceptional situations. In this case, the carrier must ensure that the following documents are carried on the vehicle:</u></p> <ul style="list-style-type: none"> - <u>a copy of the authorization of the regular service,</u> - <u>a copy of the contract concluded between the operator of the regular service and the undertaking providing the additional vehicles or an equivalent document,</u> - <u>a true copy of the Community licence issued to the operator of the regular service."</u> |

The remainder of the text is unchanged.

Done at Brussels,

For the Council

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