

EUROPEAN PARLIAMENT

Working Documents

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DOCUMENT 516/77

Report

drawn up on behalf of the Committee on Regional Policy, Regional Planning and
Transport

on the proposals from the Commission of the European Communities to the
Council for:

- I. a regulation amending Regulation (EEC) No 516/72 on the introduction of
common rules for shuttle services by coach and bus between Member States
(Doc. 425/77),
- II. a regulation amending Regulation (EEC) No 517/72 on the introduction of
common rules for regular and special regular services by coach and bus
between Member States (Doc. 429/77)

Rapporteur: Mr Kai NYBORG

By letters of 30 November and 1 December 1977 the President of the Council of the European Communities requested the European Parliament, pursuant to Article 75 of the EEC Treaty, to deliver an opinion on the proposals from the Commission of the European Communities to the Council for a regulation amending Regulation (EEC) No. 516/72 on the introduction of common rules for shuttle services by coach and bus between Member States and a regulation amending Regulation (EEC) No. 517/72 on the introduction of common rules for regular and special regular services by coach and bus between Member States.

The President of the European Parliament referred these proposals to the Committee on Regional Policy, Regional Planning and Transport.

On 25 January 1978 the Committee on Regional Policy, Regional Planning and Transport appointed Mr Nyborg rapporteur.

It considered these proposals at its meeting of 25 January 1978 and at the same meeting unanimously adopted the motion for a resolution and the explanatory statement.

The committee decided to request that the report be dealt with in plenary sitting by the procedure without debate.

Present: Mr Evans, chairman; Mr Nyborg, vice-chairman and rapporteur; Mr McDonald, vice-chairman; Mr Albers, Mr Albertini (deputizing for Mr Zagari), Mr Broeks (deputizing for Mr Hoffmann), Mr Brosnan, Mr Brugger, Mr Corrie, Mr Delmotte, Mr Ellis, Mr Fuchs, Mr Jung, Mrs Kellett-Bowman, Mr Osborn, Mr Power (deputizing for Mr Liogier), Mr Pucci (deputizing for Mr Noè) and Mr Seefeld.

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The Committee on Regional Policy, Regional Planning and Transport hereby submits to the European Parliament the following motion for a resolution together with explanatory statement:

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on the proposals from the Commission of the European Communities to the Council for

- I. a regulation amending Regulation (EEC) No. 516/72 on the introduction of common rules for shuttle services by coach and bus between Member States,
- II. a regulation amending Regulation (EEC) No. 517/72 on the introduction of common rules for regular and special regular services by coach and bus between Member States,

The European Parliament,

- having regard to the proposals from the Commission of the European Communities to the Council¹,
- having been consulted by the Council pursuant to Article 75 of the EEC Treaty (Docs. 425/77 and 429/77),
- having regard to the report of the Committee on Regional Policy, Regional Planning and Transport (Doc. 516/77),

Approves the Commission's proposals.

¹ OJ No. C 293, 6.12.1977, pp. 5 and 6

EXPLANATORY STATEMENT

1. The purpose of these two Commission proposals is to simplify the procedures currently applicable in the Community to passenger transport by coach or bus between Member States. The first draft regulation relates more specifically to shuttle services and the second to regular services.
2. In 1970, the Commission drew up common rules on shuttle services, which were defined as 'services whereby, by means of repeated outward and return journeys, previously formed groups of passengers are carried from a single place of departure to a single destination'¹. This proposal, which ultimately led to the adoption of Council Regulation No. 516/72 of 28 February 1972, was approved by the European Parliament on the basis of the report by Mr Jozeau-Marigné (Doc. 192/70) since the common rules proposed were mostly designed to adapt the organization of this type of transport to the requirements dictated by Community integration and economic expansion, and to achieve an improvement in services and a reduction in transport prices.
3. Under the current terms of Article 13(2) of the abovementioned regulation, the Member State which has received an application to introduce a shuttle service is required, before its decision takes effect, to inform any Member States whose territory is to be crossed in transit of such decision if:
 - the service in respect of which the application is made includes, in addition to transport, accommodation for each group, with or without meals, at the place of destination and, where necessary, during the journey;
 - the total time spent by each group on the journey and at the place of destination is not less than 7 days or, in the case of a service covering a distance less than 300 kilometres, not less than 3 days;
 - the inclusive charge for the journey is paid to the organizer thereof by the persons carried (Article 5 of the Regulation)².

If, however, the application does not satisfy these conditions, Article 6 stipulates that an examination of the state of the passenger transport market in the areas concerned shall be carried out. In this case, the Member State to which the application has been made shall inform Member States whose

¹ See Council Regulation No. 117/66 of 28 July 1966 on the introduction of common rules for the international carriage of passengers by coach and bus OJ No. 147 of 9.8.1966, p.2788

² OJ No. L 67 of 20.3.1972, p.14

territory is to be crossed in transit (and the Commission) of the progress of negotiations and of the decisions resulting there from (Article 13(3)). These Member States may then submit their comments.

Under Article 14, the Member State to which the application has been made is required to forward to the other Member States a copy of the application. However, this article makes no distinction between services which do and those which do not meet the conditions laid down in Article 5 of the Regulation; on the other hand, a Member State whose territory is to be crossed in transit has no possibility of comment anyway if the conditions of Article 5 are fulfilled. Under Article 13(2), the Member State whose territory is to be crossed in transit is informed of the decision before it takes effect, so that forwarding of the application could be superfluous in this particular case.

4. The Commission consequently proposes to amend this regulation to the extent of releasing the Member State to which an application to introduce a shuttle service is made from the obligation to forward a copy of the application to Member States whose territory is to be crossed in transit, in cases where the conditions listed in Article 5 of the regulation are met. The Committee on Regional Policy, Regional Planning and Transport has no difficulty in approving this proposal.

5. Regular services are defined by the Council as 'services which provide for the carriage of passengers at specified intervals along specified routes, passengers being taken up and set down at predetermined stopping points'. The term also covers 'services which provide for the carriage of specified categories of passengers to the exclusion of other passengers. Such services, in particular those providing for the carriage of workers to and from their place of work or of schoolchildren to and from school, are called special regular services'¹.

On a proposal from the Commission, and following consultation of the European Parliament (report by Mr Cifarelli, Doc. 193/70), the Council introduced common rules for regular and special regular transport services on 28 February 1972 (Regulation No. 517/72).

6. In 1975 the Commission proposed a first amendment to Regulation No. 517/72². Following the accession of two Member States separated by a seaway, the Commission wished to apply to passenger transport services

¹ Regulation No. 117/66, OJ No. 147 of 9.8.1966, p.2788

² OJ No. C 279 of 6.12.1975, p.3

operating across the sea the same exemptions as those allowed for passenger transport by road. Your rapportuer drew up a favourable report on this proposal on behalf of the former Committee on Regional Policy and Transport (Doc. 495/75). The Council, after giving its initial approval on 27 October 1977¹, adopted the amended regulation on 20 December 1977.

7. The purpose of the amendment now proposed by the Commission with regard to regular and special regular services is to simplify, on three counts, the procedure laid down in Regulation No. 517/72.

8. The first amendment concerns abolition of the obligation to send the Commission copies of applications to introduce such services and of documents providing evidence that the applicant satisfies the conditions under which an authorization is granted. In practice this formality is wholly superfluous, since Article 16(3) stipulates that the Commission must be periodically informed by the Member State concerned of the authorizations granted and of the decisions taken in this respect.

9. The second amendment concerns the obligation for the Commission to send the Council each year a report on the operation of the regulation (Article 15). The Commission proposes that this annual report be replaced by a three-yearly one. According to the Commission, the national delegations had stressed that application of the regulation had brought about no notable changes 'as regards adaptation of carrying capacity to demand, protection of the services in question against unfair competition or, indeed, in the improvement of cooperation between undertakings' (see explanatory memorandum to the draft regulation). In view of the substantial administrative workload involved in drawing up this report, it would seem appropriate for the Commission to report only every three years on the operation of the regulation.

10. The last amendment concerns the issue of provisional authorizations. Certain Member States called for the introduction of provisional authorizations because they considered the current procedure too time-consuming to allow urgent transport requirements to be met. However, since this view was not shared by all Member States, the Commission elaborated a compromise whereby provisional authorizations could be issued on condition that agreement was first reached between the Member States concerned. The new Article 16a lays down the conditions under which a provisional authorization can be granted, but specifies clearly that a provisional authorization in no way creates entitlement to a permanent authorization. The period of validity of a pro-

¹ Press release issued by the Council of Transport Ministers, PE 51.151, p.3

visional authorization is limited to a maximum of six months and can only be renewed once for the same period.

11. In view of the fact that the amendments proposed by the Commission are designed merely to simplify administrative procedures and will not affect the efficient operation of the services in question, the Committee on Regional Policy, Regional Planning and Transport approves these proposals.

