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OUR REFERENCE

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Revision of the Community legislation on the access to the road transport market and on the admission to the occupation of road transport operator

Consultation paper

UITP Contribution

Introduction:

The UITP European Union Committee represents public transport undertakings (both publicly and privately owned companies) offering rail, road or waterborne passenger transport at urban, suburban and regional level. The sector has a turnover of app. € 120 billion annually in the EU25, it employs 900.000 persons and serves 340 million people in urban areas.

Typically in the European Union (with the exception of the UK outside London and Northern Ireland) urban and regional passenger transport services are operated in so-called "regulated markets". In general, those passenger services which are required for the general interest of all citizens cannot be provided on a commercial basis (only). They are very often covered by specific public service contracts (or regulatory acts) between a "competent authority" and an (publicly or privately owned) operator. Within those contracts/regulatory acts, the "competent authority" sets the public service obligations and grants exclusive rights and/or financial compensation to the relevant operator.

This situation is in sharp contrast to freight transport and long distance passenger transport, which most of the time are operated on a purely commercial basis.

Question 1 - Is the merging of goods transport and passenger transport a real simplification? Which is the preferred one?

Goods and passenger transport are by nature totally different services facing different issues. In the view of the European public transport undertakings, those 2 sectors should be addressed specifically.

The UITP EU Committee favours Option 3 – keep the current set-up!

Question 2 - Should local services be covered by regulation 684/92 or should they be excluded, either from the regulation or from the authorization regime?

For cross-border passenger transport services that are nevertheless local, the UITP EU-Committee suggests keeping the current legislative set-up, i.e. the regulation 684/92 should apply.

However, the UITP EU-Committee suggests that local (and regional) international regular services should be excluded from the authorisation regime when those services are decided by authorities on both sides of the border and a common passenger transport network is created.

Question 3 – Should higher qualitative requirements be imposed on hauliers/carriers engaged in certain types of road transport? If so, which ones?

As far as local and regional passenger transport is concerned there is no need for further action at European level to impose higher qualitative requirements. This sector is sufficiently covered by requirements at national and/or local level (f. ex. through the public service contracts). In addition, many operators are implementing on a voluntary basis “passenger charters”, responding to local customer expectations.

Question 4 – Should Member States be required to verify whether the haulier/operator still satisfies the conditions for maintaining the license at shorter intervals on a regular basis?

No, this is not necessary. In the view of the UITP EU-Committee five years is fine, especially if the cooperation between authorities with different control functions is efficient. Any additional checks/verifications will add unnecessary burdens.

In case of grievances, specific infractions exist that should be explicitly addressed/checked.

Question 5 – Should the validity of the Community license be reduced to a shorter period of validity than 5 years? If so, to how many years should it be reduced?

The validity period of five years should be maintained. Nevertheless, the licence must be able to be withdrawn during the five year period if necessary.

In case of “not returned licences” information of the withdrawal must be given to customs and police in all countries concerned.

Question 6 – Should the Regulation provide more detailed specifications for certified copies, i.e. standardize them in order to avoid confusion during an inspection? If so, what specifications or new (security) features should be introduced? Could a gradual shift to an on-line registry of the issued Community licenses be envisaged?

Standardization is necessary and a demand to avoid uncertainties and problems affecting the passengers. On-line registration is preferred.

Question 7 – Should the driver attestation be made more uniform across the Community? Should the format of the current paper based document be changed? Should it gradually be made electronically readable?

Question 8 – Should the current maximum period of validity of 5 years be shortened?

Question 9 – Are stakeholders of the opinion that the obligation to hold a driver attestation should be extended to drivers who are EU nationals?

Not applicable for passenger transport

Question 10 - Should the control documents for occasional services be harmonised and the specifications be made as detailed as possible to avoid confusion during an inspection?

All documents should be harmonised. It could also be questioned if there is a real need for a journey form within the EU when occasional services are performed. A passenger list would be more useful.

If travel documents are still requested an on-line registration would be enough.

Question 11 - What is the stakeholders' opinion on the use of a uniform, Communitywide journey form in goods transport by road replacing the variety of national documents?

Not applicable for passenger transport.

Question 12 - Should the authorisation regime for international regular passenger services be maintained, simplified or abolished?

It could be simplified by an authorisation regime where the authorities in the Member State where the transport company is registered, issue the authorisation after consulting the Member States affected by the service.

Question 13 - Provided that stakeholders are in favour of maintaining the current authorisation regime, is it feasible for national administrations to apply a shorter authorisation processing periods?

Maximum three months for the authorisation process.

Question 14 - Provided that stakeholders are in favour of maintaining the current authorisation regime, are these appeals processes clear and effective?

No, the process should be discussed with representatives of the industry concerned.

Question 15 - Provided that stakeholders are in favour of maintaining the current authorisation regime, are there other aspects of the regulatory regime which could be changed to simplify the administrative procedures or to otherwise improve the functioning of the authorisation regime by focusing it e.g. on safety and social requirements compliance?

See the comments on Q3 and Q14

Question 16 - Should urban and suburban cabotage operations in the course of international services be authorized? Under which conditions?

Urban and suburban public passenger transport is normally covered by public service contracts, including exclusive rights and financial compensation for commercially not viable services. In such a situation, unlimited cabotage would lead to "cherry picking" with severe consequences for the authorities and operators affected. The economic balance of the services defined in the public service contract would be endangered. For these reason, the UITP EU-Committee is not in favour of cabotage in urban and suburban areas.

Question 17 - Do stakeholders perceive the varying rules as a problem? Do stakeholders consider that a clearer and more precise definition of road cabotage would be useful?

Not applicable for passenger transport (?).

Question 18 - What are the stakeholders' views on these approaches? What alternatives could be proposed for a clear and easily enforceable definition of road cabotage?

Not applicable for passenger transport (?).

Question 19 - Which areas should be added to the list or deleted from the list contained in Art. 6 (1) of Regulation 3118/93?

Not applicable for passenger transport.

Question 20 - What is the stakeholders' experience with the application of Directive 96/71 to cabotage transport operations? What is their opinion on exempting cabotage operations from the scope of that Directive provided that cabotage is limited to a period shorter than one month?

Question 21 - Are there any other issues regarding the market access in road transport that stakeholders would like to raise? The Commission services are particularly interested in any proposal for augmenting the quality standards and optimisation of road transport operations while avoiding any additional administrative cost.