

From: Yves Mannaerts , Directeur FBAA

Dear Sirs,

I hereby have the pleasure to provide you the answers of the FBAA(Federation of the Belgian Bus and Coach Operators) to the consultation paper about the access to the road transport market and the admission to the occupation of road transport operator.

First of all I would like to stress that the FBAA regrets that the consultation occurs for such a short period of time and during the summer. So the FBAA suggests to establish a public-private committee of enquiry in order to investigate the matters in depth.

Part A - Access to the road transport market

- Question 1: passenger and goods transport by road are two completely different activities that are moreover characterized by different levels of liberalization. The two markets and their rules must be kept apart.
- Question 2: as these services are international they should remain within the scope of this regulation. However there is a difference between an international local scheduled service and an international long haul scheduled service. The regulation should take this difference into account.
- Question 3: a high level of professionalism in passenger transport by road is vital and must be met under all circumstances independently of the type of transport carried out. The professional liability insurance is unlimited in Belgium. It is not the case in all member states. As the market of occasional services is completely liberalized(including cabotage), it is an element that needs harmonisation to establish a level playing field. It must however also be stressed that the insurance market at European level knows a lot of mergers, as a result of which the number of companies diminishes drastically. This results in increasing difficulties and costs to ensure this risk. This issue must be further investigated within the framework of the public-private committee of enquiry.
- Question 4: from the beginning the FBAA has been opposed to the introduction of the community licence in passenger transport. Due to the fact that buses and coaches already have a document aboard showing the nature of the service carried out whether it is a waybill, a contract or an authorization, it is much more efficient to control the delivery of these documents instead of creating an additional document that can lead to problems. Anyhow, to avoid any extra administrative burden, there must be a coordination between the controls for the community licence and the access to the profession. But there must also be targeted checks in case of suspicion of infringements.
- Question 5: no. The validity must remain 5 years as long as the community licence exists.
- Question 6: the FBAA remembers it demands the abolition of the community licence(see question 4). As long as the licence exists, there is a need for more detailed specifications. It is also necessary to use the modern technology to avoid the numerous problems linked to the paper document. A central on line register without any document aboard the vehicle is a positive step.
- Question 7: this attestation only applies to goods transport by road. This situation must not be changed.
- Question 8: same answer as for question 7.
- Question 9: same answer as for question 7.
- Question 10: yes. There must only be one model which must be that of the EU-waybill. The reason is that this document is the only one that is limited to one side and thus the most appropriate to be treated by the information technology.
- Question 11: the FBAA has no opinion for this item as it does not work in the field of goods transport by road.
- Question 12: the authorisation regime must be kept but the discrimination as well in the regulatory as fiscal field towards other means of transport must be immediately ended. Moreover it is vital that very severe measures are put into place against operators carrying out unauthorised regular services or disguised regular services under the form of occasional services.

- Question 13: the consultation periods for the granting of an authorisation must be reduced from two to one month.
- Question 14: appeals processes are necessary. The periods must here also be reduced. As problems often arise from the lack of clarity in the field of the submission of the applications, it is necessary to look into this matter and give a larger role to the company that manages the pool for the preparation and the introduction of the application.
- Question 15: there must be more fairness and transparency in the authorisation procedure. The possibility to refuse an authorisation if the viability of an existing railway service is affected, must be deleted. It is also essential that operators of international regular services by road can carry out their services under the same circumstances as the other means of transport. This refers especially to the border controls and the non compliance with e.g. the Schengen agreement.
- Question 16: cabotage in the framework of an international regular service is technically possible but does not exist in the practice as it is not allowed by the member states that want to protect their domestic regular services. It is important to solve this problem before tackling the urban and suburban cabotage.
- Question 17: the FBAA has no opinion for this item as it does not work in the field of goods transport by road.
- Question 18: same answer as for question 17.
- Question 19: same answer as for question 17.
- Question 20: same answer as for question 17.
- Question 21: in order to reach a high level of professionalism in the field of passenger transport by road and thus a high level of road safety, it is essential that all aspects and all categories of services are concerned by this legislation whether they are carried out on reward or for own account.

Part B - Admission to the occupation of road transport operator

- Question 1: the present rules are not applied in the same way in all member states. There must thus be an harmonisation of the different interpretations and enforcement practices of the access to the profession. The criteria in respect of training for and obtaining of the CPC-diploma must also be continuously enhanced due to the permanent evolution of the profession. The requirements must be reviewed e.g. every five years. Access to the profession must cover all aspects of transport by road and all categories of services whether they are carried out on reward or for own account.
- Question 2: it is much more important to become an harmonised and proper application of the present criteria than to introduce new criteria. Within this framework it is vital that the permanent and effective presence of a CPC-holder in each company is clearly stated with the immediate withdrawal of the authorisation if this requirement is no longer fulfilled. In the field of good repute it is also important to add "drug trafficking", "human trafficking" and "sexual abuse" in the list of serious infringements.
- Question 3: all aspects of transport by road and all categories of services must be concerned by this legislation whether they are carried out on reward or for own account.
- Question 4: an effective control of the reality of the three requirements must be carried out every five years. Targeted inspection must also be carried out in case of suspicion that one or several of the requirements are no longer fulfilled.
- Question 5: yes. The electronic exchange of information among competent authorities is needed therefore. It is particularly important that a central electronic register of CPC-holders in all member states exists with a permanent update of the infringements and sanctions so that all authorities can immediately verify the authenticity of the CPC-diploma.
- Question 6: a regular exchange of best practices among authorities and industry is very useful whereby modern communication tools must be used.
- Question 7: yes. However, a harmonised list of these offences (and of the sanctions) must be established at EU-level, in cooperation with the industry. The cases where the operator can be held responsible for the offenses committed by his drivers must also be clearly identified (they must be of substance, really repetitive and restricted to evident and provable cases). The automatic responsibility as foreseen under regulation 561/2006 must not be extended further.
- Question 8: yes. The sanctions must also be harmonised at EU-level.

- Question 9: yes. There must be a limited list of these persons like managers and directors in charge of daily activities.
- Question 10: yes. It is not only important at national level but there must also be an exchange at international level (see answer to question 5 - part B)).
- Question 11: no. There must be an on-line central Eu-register.
- Question 12: yes. The determination of the ratios, of the thresholds and of the control authorities are very technical matters that need to be examined more thoroughly within the framework of the already suggested public-private committee of enquiry.
- Question 13: in Belgium bus and coach operators already have an unlimited liability insurance. (see answer to question 3 - part A). This must be discussed within the framework of the public-private committee of enquiry.
- Question 14: yes. In certain member states you find examination centres where you buy your CPC-diploma. This must disappear. Therefore there must be a certification of these test centres and a common pool of questionnaires. Dispensations must be abolished with the exception of a strongly limited number of university degrees.
- Question 15: yes. It must be controlled in an efficient way that the holder of the CPC-diploma effectively runs the company.
- Question 16: in order to reach a high level of professionalism in the field of passenger transport by road and thus a high level of road safety, it is essential that all aspects and all categories of services are concerned by this legislation whether they are carried out on reward or for own account.
- Question 17: no remarks.

Best regards.

Yves Mannaerts

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