

# **Consultation Paper: Access to the Road Transport Market and the Admission to the Occupation of Road Transport Operator**

## **Answers from Eurolines Organisation**

The Answers and comments do only apply on the questions related to the International Regular Transport of Passengers.

### **Part I. The Community Acquis on Road Transport**

**Question 1:** Transport of goods and transport of Passengers is quite a different type of transport. Both have their respective specificities that do not allow a merger. However, some rules could be joined, like the international transport rules together with the cabotage in the passengers sector. Eurolines is very much in favour of option 2 keeping the rules on goods and passengers separated and only merge the respective acts into two new regulations with a clear distinction between goods and passengers.

**Question 2:** We are in favour of maintaining the local services within the scope of Regulation 684/92. It is also necessary to check that the cross-border local service does not compete with the same stretch as part of an already existing international regular coach line. As such we do not oppose competition of any kind, prohibited none of the competitors is granted any favours, be it on the field of taxation or the authorisation of places to pick up passengers.

**Question 3:** In the field of Regular International Passenger Transport higher qualitative requirements can only be welcomed. Drivers have to be formed not only for driving with passengers, but also need to be trained on the type of vehicle they are driving (double decker, longer coaches etc.) We also welcome liability insurance. These measures can be used in the fight against the so-called pirates, operators who operate without any license or proper registered, insured and safe vehicles.

**Question 4:** Shorter intervals would allow earlier detection of any infringement. A system could be installed where all operators are systematically controlled for a period of five years but each year a certain number will be controlled at random each year. Also when an infringement is detected during a control en route by the local authorities, this will result automatically into a control of the operator concerned.

**Question 5:** in the light of question 4 it would be better if the validity were reduced to 3 years. The problem of licenses not returned could be tackled by the creation of a central database containing either all licenses or only the non-returned ones. In case of detection an operator running w line on a non-returned licence, will be severely punished and taken all his licences. Of course this needs to be done on Union level and even in active agreement and participation of the non-Union countries to avoid operators establish into these countries to avoid the withdrawal of the licenses.

**Question 6:** Standardization is highly welcomed. Too many difficulties arise because of the different languages used and the forms that copies have. What cold help is the

centralised (on European level) attribution of a bar code to each document. This allows the local controller to verify immediately if the document is genuine or is still valid. Of course such solution goes together with the creation at Union level of a central database containing details about the licensee, the number of copies, validity etc.

**Question 7:** Does not apply to Passengers Transport

**Question 8:** Does not apply to Passengers Transport

**Question 9:** Does not apply to Passengers Transport

**Question 10:** This question does not apply directly to the regular international coach lines. However, we think that a harmonisation of documents can only help to make control easier in a way to detect illegal competition of any kind.

**Question 11:** Does not apply to Passengers Transport

**Question 12:** Eurolines is in favour of the maintaining of the authorisation regime. However, the procedures should be harmonised and time to decide by the authorities reduced. Actually it takes too long to be at the end of the procedure what can have a negative impact on the start of new lines. Severe measures should be introduced against operators carrying out unauthorised regular service or that use a form of occasional service to run in fact a regular service.

**Question 13:** See answer to question 12. Indeed we fancy shorter processing periods.

**Question 14:** the actual procedure could be more clear, simple and reduced in time.

**Question 15:** We require that the possibility to refuse an authorisation if the viability of an existing rail service is affected, be deleted. It is also essential that operators of international regular coach lines can operate their services in the same circumstances as other means of transport. This refers especially to the taxation situation, the border controls and the non-compliance with the Schengen agreement.

**Question 16:** although cabotage in the framework of an international regular service is technically allowed, in reality the Member States do not allow this kind of traffic. They want to protect their domestic regular services. It is extremely important to solve this problem before tackling the urban and suburban cabotage as such.

**Question 17:** Does not apply to Passengers Transport

**Question 18:** Does not apply to Passengers Transport

**Question 19:** Does not apply to Passengers Transport

**Question 20:** Does not apply to Passengers Transport

**Question 21:** Does not apply to Passengers Transport

## **Part II. Admission to the Occupation of Road Haulage Operator**

**Question 1:** A harmonisation of the different interpretations and enforcement practices of the access to the profession is required. Access to the profession must cover all aspects of transport by road and cover all categories of services, whether they are carried out for own account or on reward.

**Question 2:** the actual criteria should be harmonised and applied in a uniform way. In the field of the good repute it is also important to add “drug trafficking, human trafficking and sexual abuse” to the list of serious infringements. To fight against the so called ‘letter-box companies’ it could be required to have a permanent representation office in the country where the economical activity is taking place. These ‘letter-box companies’ are a way of introducing the so called ‘pirate services’ into the international regular passenger transport.

**Question 3:** all aspects of transport by road and all categories of services must be concerned by this legislation whether they are carried for own account or on reward.

**Question 4:** This kind of control has to be done at the same time with the control for the licenses. On the other hand if the company concerned has negative financial results or has committed serious infringements to any of the legislation, immediate control is required to guarantee serious competition. At the same time at random inspections can additionally be organised.

**Question 5:** Yes. A central database with all necessary data needs to be built on EU level, containing the whole management structure of the disqualified companies.

**Question 6:** No position

**Question 7:** Yes. However, a harmonised list of these infringements and of the sanctions related to it, must be created at EU-level, in cooperation with the industry. The cases where the operator can be held responsible for the infringements committed by his drivers must also be clearly identified.

**Question 8:** Yes, together with the sanctions.

**Question 9:** there must be a limited list of these persons including managers and directors in charge of the daily operations.

**Question 10:** Yes. Not only for the national level, but also for the international consultation such database must be created and made available.

**Question 11:** It is not sufficient; there must be an on-line EU register.

**Question 12:** Yes. The determination of the ratio's, of the thresholds and of the controlling authorities are very technical matters that need to be examined more thoroughly within the framework of the public-private committee of enquiry.

**Question 13:** No specific position.

**Question 14:** Yes. In certain member states a CPC certificate can be bought, a practice that must disappear. For this reason a certification of the test centres is needed and a common pool of questionnaires to be created. Dispensations must be abolished with the exception of a strongly limited number of university degrees.

**Question 15:** it is necessary that the holder of the certificate is employed by the company concerned and is at the same time resident of the country where that company is established.

**Question 16:** in order to come to a high level of professionalism and thus safety in the field of passenger transport by road, it is essential that all aspects and categories of services be concerned by this legislation.

**Question 17:** No remarks.