Commission Regulation (EU) No 361/2014

of 9 April 2014

laying down detailed rules for the application of Regulation (EC) No 1073/2009 as regards documents for the international carriage of passengers by coach and bus and repealing Commission Regulation (EC) No 2121/98

(Text with EEA relevance)

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Commission Regulation (EU) No 361/2014

of 9 April 2014

laying down detailed rules for the application of Regulation (EC) No 1073/2009 as regards documents for the international carriage of passengers by coach and bus and repealing Commission Regulation (EC) No 2121/98

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006(1), and in particular Article 5(3) and (5), Article 6(4), Article 7(2), Article 12(5) and Article 28(3) thereof,

Whereas:

(1) Article 5 of Regulation (EC) No 1073/2009 provides that regular services and certain special regular services are to be subject to authorisation;

(2) Article 12(1) of that Regulation states that the occasional services defined in Article 2(4) are to be carried out under cover of a control document;

(3) Article 5(5) of that Regulation lays down that the own-account transport operations defined in Article 2(5) are to be subject to a system of certificates;

(4) Rules governing the use of the control documents referred to in Article 12 of that Regulation and the means of communicating to the Member States concerned the names of the carriers performing the occasional services and the connection points on route need to be established;

(5) It is necessary to standardise, for reasons of simplicity, the journey form for international occasional services and for cabotage operations in the form of occasional services;

(6) The journey form used as a control document in the framework of cabotage operations in the form of special regular services should be filled out in the form of a monthly statement;

(7) It is necessary to standardise the forms for the communication by the Member States to the Commission of the statistical information related to the number of authorisations for regular services as well as cabotage operations;

(8) For reasons of transparency and simplicity, all the model documents adopted in Regulation (EC) No 2121/98 of 2 October 1998 laying down detailed rules for the application of Council Regulations (EEC) No 684/92 and (EC) No 12/98 as regards documents for the carriage of passengers by coach and bus(2) should be adapted to Regulation (EC) No 1073/2009 applicable to international coach and bus services;

(9) Regulation (EC) No 2121/98 should therefore be repealed;

(10) Member States need time to have the new documents printed and distributed. Therefore in the meantime carriers should be able to continue to use the documents provided for in Regulation (EC) No 2121/98, which should specify that they take account of the provisions of Regulation (EC) No 1073/2009;

(11) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Road Transport.

HAS ADOPTED THIS REGULATION:

SECTION I

Articles 1 to 6

Omitted

SECTION II

AUTHORISATIONS

Article 7

1. Applications for authorisation of regular services and special regular services subject to authorisation shall conform to the model in Annex III.

2. Applications for authorisation shall contain the following information:

(a) the timetable;

(b) fare scales;

(c) a certified true copy of the Community licence for the international carriage of passengers by coach and bus for hire or reward provided for in Article 4 of Regulation (EC) No 1073/2009, as that Regulation has effect in EU law;

(d) information concerning the type and volume of the service which the applicant plans to provide in the case of an application to create a service, or which has been provided in the case of an application for renewal of an authorisation;

(e) a map on an appropriate scale on which are marked the route and stopping points where passengers are to be taken up or set down;

(f) a driving schedule to permit verification of compliance with the retained EU law on driving time and rest periods.

3. Applicants shall provide any further information which they consider relevant or which is requested by the issuing authority in support of the application.

Article 8

1. Authorisations shall conform to the model in Annex IV.

2. Each vehicle carrying out a service subject to authorisation shall have on board an authorisation or a copy certified by the issuing authority.

3. Authorisations shall be valid for a maximum of five years.

SECTION III

EEA AGREEMENT

Article 9

The provisions of this Regulation shall, for the purposes of the EEA Agreement, be read with the following adaptations:

(a) The documents issued by EEA states shall be recognised.

(b) In Article 7, the words “retained EU law” shall read “legislation applicable to the EEA Agreement”.

(c) In the documents set out in Annexes III and IV, the words “Member States” shall read “Member States, Iceland, Liechtenstein or Norway”, the words “retained EU law” shall read “legislation applicable to the EEA Agreement” and the words “Community licence” shall read “licence”.

SECTION IV

Article 10

Omitted

SECTION V

TRANSITIONAL AND FINAL PROVISIONS

Article 11

1. *Omitted*

2. *Omitted*

3. The authorisations and certificates drawn up in conformity with Regulation (EC) No 2121/98 and issued before 31 December 2015 will remain valid until the date of their expiry.

Article 12

Regulation (EC) No 2121/98 is repealed.

Article 13

Omitted

ANNEX I

Omitted

ANNEX II

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ANNEX III

Cover page

(Format DIN A4 uncoated paper)

To be worded in the official language(s) or one of the official languages of the carrier's Member State and Gibraltar of establishment

APPLICATION :

TO START A REGULAR SERVICE ?

TO START A SPECIAL REGULAR SERVICE ?

TO RENEW AN AUTHORISATION FOR A SERVICE ?

TO ALTER THE CONDITIONS OF AN AUTHORISED SERVICE ?

carried out by coach and bus between Member States in accordance with Regulation (EC) No 1073/2009

to: …

(Competent authority)

1. Name and first name or trade name and address, telephone, fax and/or e-mail of the applicant and, where appropriate, of the managing carrier in the case of an association (pool):

…

…

2. Service(s) carried out

by an undertaking ?	as a member of an association (pool) ?	as a subcontractor ?

3. Names and addresses of the

carrier, associated carrier(s), or subcontractor(s)

3.1 …tel. …

3.2 …tel. …

3.3 …tel. …

3.4 …tel. …

(Second page of the application for authorisation or for renewal of authorisation)

4. In the case of a special regular service

4.1 Category of passengers: …

5. Duration of authorisation requested or date on which the service ends:

…

…

…

6. Principal route of service (underline passenger pick-up points):

…

…

…

…

7. Period of operation:

…

…

…

8. Frequency (daily, weekly, etc.):

…

9. Fares: … Annex attached

10. Enclose a driving schedule to permit verification of compliance with the retained EU law on driving and rest periods

11. Number of authorisations or of copies of authorisations requested:

…

12. Any additional information:

…

…

…

13.	…	…
	(Place and date)	*(Signature of applicant)*

(Third page of the application for authorisation or for renewal of authorisation)

IMPORTANT NOTICE

1. The following is attached to the application, as appropriate:

(a) the timetable;

(b) fare scales;

(c) a certified true copy of the Community licence for the international carriage of passengers by road for hire or reward provided for in Article 4 of Regulation (EC) No 1073/2009, as that Regulation has effect in EU law;

(d) information concerning the type and volume of the service that the applicant plans to provide in the case of a new service, or that has been provided in the case of renewal of an authorisation;

(e) a map on an appropriate scale on which are marked the route and the stopping points at which passengers are to be taken up or set down;

(f) a driving schedule to permit verification of compliance with the retained EU law on driving and rest periods.

2. Applicants shall provide any additional information in support of their application which they consider relevant or which is requested by the issuing authority.

3. In accordance with Article 5 of Regulation (EC) No 1073/2009 the following services are subject to authorisation:

(a) regular services, services which provide for the carriage of passengers at specified intervals along specified routes, passengers being picked up and set down at predetermined stopping points. Regular services shall be open to all, subject, where appropriate, to compulsory reservation. The regular nature

of the service shall not be affected by any adjustment to the service operating conditions;

(b) special regular services not covered by a contract between the organiser and the carrier. Services, by whomsoever organised, which provide for the carriage of specified categories of passengers to the exclusion of other passengers shall be deemed to be regular services. Such services are called ‘ special regular services ’ and include:

(a) (i) the carriage of workers between home and work;

(ii) the carriage of school pupils and students to and from the educational institution.

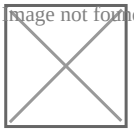
The fact that a special service may be varied according to the needs of users shall not affect its classification as a special regular service.

4. The application shall be made to the competent authority of Gibraltar for the purpose of Regulation (EC) No 1073/2009, namely one of the service termini.

5. The maximum period of validity of the authorisation is five years.

ANNEX IV





(First page of the authorisation)

(Colour Pantone 182 (pink), or as close as possible to this colour, format DIN A4 uncoated paper 100 g/m2 or more)

To be worked in the official language(s) or one of the official languages of the carrier's Member State and Gibraltar of establishment

Competent authority

.....

AUTHORISATION No

.....

.....

.....

2. Periods of operation: .....

.....

3. Frequency: .....

4. Timetable: .....

5. Special regular service:

— Category of passengers: .....

6. Other conditions or special points (e.g. authorised cabotage operations):

.....

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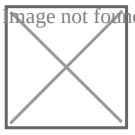
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(Stamp and/or signature of authority issuing the authorisation)



(Third page of the authorisation)

To be worked in the official language(s) or one of the official languages of the carrier's Member State and Gibraltar of establishment

IMPORTANT NOTICE

1. This authorisation is valid for the entire journey. It may only be used by a party or parties whose name is indicated thereon.
2. The authorisation or a true copy certified by the issuing authority is kept in the vehicle for the duration of the journey and is presented to enforcement officials on request.
3. A true certified copy of the Community licence is kept on board the vehicle.

ANNEX V

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ANNEX VI

Omitted

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