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

(recast)

(Text with EEA relevance)

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Regulation (EC) No 1073/2009 of the European Parliament and of the Council

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(recast)

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 71 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee,

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

Whereas:

(1) A number of substantial changes are to be made to Council Regulation (EEC) No 684/92 of 16 March 1992 on common rules for the international carriage of passengers by coach and bus and to Council Regulation (EC) No 12/98 of 11 December 1997 laying down the conditions under which non-resident carriers may operate national road passenger transport services within a Member State. In the interests of clarity and simplification, those Regulations should be recast and incorporated into one single regulation.

(2) The establishment of a common transport policy entails, inter alia, laying down common rules applicable to the international carriage of passengers by road as well as the conditions under which non-resident carriers may operate national transport services within a Member State.

(3) To ensure a coherent framework for the international carriage of passengers by coach and bus throughout the Community, this Regulation should apply to all international carriage on Community territory. Carriage from Member States to third countries is still largely covered by bilateral agreements between the Member States and those third countries. Therefore, this Regulation should not apply to that part of the journey within the territory of the Member State of picking up or setting down, as long as the necessary agreements between the Community and the third countries concerned have not been concluded. It should, however, apply to the territory of a Member State crossed in transit.

(4) Freedom to provide services constitutes a basic principle of the common transport policy and requires that carriers from all Member States be guaranteed access to international transport markets without discrimination on grounds of nationality or place of establishment.

(5) The international carriage of passengers by coach and bus should be conditional on the possession of a Community licence. Carriers should be required to carry a certified true copy of the Community licence aboard each of their vehicles, in order to facilitate effective controls by enforcement authorities, especially those outside the Member State in which the carrier is established. The conditions governing the issue and withdrawal of Community licences, their periods of validity and the detailed rules for their use should be determined. It is also necessary to lay down detailed specifications as regards the layout and other features of the Community licence and the certified copies thereof.

(6) Roadside checks should be carried out without direct or indirect discrimination on grounds of the nationality of the road transport operator or the country of establishment of the road transport operator or of registration of the vehicle.

(7) There should be provision for flexible arrangements subject to certain conditions for special regular services and certain occasional services, in order to satisfy market demand.

(8) While maintaining authorisation arrangements for regular services, certain rules should be amended, particularly as regards authorisation procedures.

(9) The authorisation for regular services should henceforth be granted subsequent to an authorisation procedure, unless there are clearly specified grounds for refusal attributable to the applicant. The grounds for refusal relating to the relevant market should be either that the service applied for would seriously affect the viability of a comparable service operated under one or more public service contracts on the direct sections concerned or that the principal purpose of the service is not to carry passengers between stops located in different Member States.

(10) Non-resident carriers should be allowed to operate national road passenger services, but regard should be had to the specific characteristics of each form of service. When such cabotage operations are performed, they should be subject to Community legislation such as Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and to national law in force in specified areas in the host Member State.

(11) The provisions of Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services apply to transport undertakings performing a cabotage operation.

(12) Where regular services are concerned, only regular services provided as part of a regular international service, excluding urban and suburban services, should be opened up to non-resident carriers, subject to certain conditions, and in particular to the legislation in force in the host Member State.

(13) Member States should grant each other mutual assistance with a view to the sound application of this Regulation.

(14) Administrative formalities should be reduced as far as possible without abandoning the controls and penalties that guarantee the correct application and effective enforcement of this Regulation. To this end, the existing rules on the withdrawal of the Community licence should be clarified and

strengthened. The current rules should be adapted to allow the effective sanctioning of serious infringements committed in a Member State other than the Member State of establishment. Penalties should be non-discriminatory and proportionate to the seriousness of the infringements. It should be possible to lodge an appeal in respect of any penalties imposed.

(15) Member States should enter in their national electronic register of road transport undertakings all serious infringements attributable to carriers which have led to the imposition of a penalty.

(16) In order to facilitate and strengthen the exchange of information between national authorities, Member States should exchange the relevant information through the national contact points set up pursuant to Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator.

(17) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission.

(18) In particular, the Commission should be empowered to establish the format of certain documents to be used for the application of this Regulation and to adapt Annexes I and II of this Regulation to technical progress. Since those measures are of general scope and are designed to amend non-essential elements of this Regulation by supplementing it with new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

(19) Member States should take the necessary measures to implement this Regulation, in particular as regards effective, proportionate and dissuasive penalties.

(20) In order to encourage tourism and the use of environmentally friendly means of transport, Regulation (EC) No 561/2006 should be amended to allow drivers engaged in a single occasional service providing international carriage of passengers to postpone their weekly rest period for up to 12 consecutive 24-hour periods if they are involved in passenger transport activities that typically do not include continuous and long driving hours. Such a postponement should only be allowed under very strict conditions which preserve road safety and take into account the working conditions of drivers, inter alia, the obligation to take weekly rest periods immediately before and after the service. The Commission should monitor closely the use of this derogation. If the factual situation which justifies the use of this derogation changes substantially and the derogation results in a deterioration of road safety, the Commission should take appropriate measures.

(21) Since the objective of this Regulation, namely to ensure a coherent framework for the international carriage of passengers by coach and bus throughout the Community, cannot be sufficiently achieved by the Member States and can therefore, by reason of its scale and effects, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,

HAVE ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Scope

1. This Regulation shall apply to the international carriage of passengers by coach and bus between Gibraltar and the territory of the Community by carriers for hire or reward or by own-account carriers established in a Member State in accordance with its law, using vehicles which are registered in that Member State and are suitable and intended, by virtue of their construction and equipment, to carry more than nine persons, including the driver, and to the movement of such vehicles when empty in connection with such carriage.

A change of vehicle or an interruption of carriage to enable part of a journey to be made by another means of transport shall not affect the application of this Regulation.

2. In the event of carriage from a Member State to a third country and vice versa, this Regulation shall apply to any part of the journey within Gibraltar on the territory of any Member State crossed in transit.

3. *Omitted*

4. This Regulation shall apply to road passenger services with Gibraltar for hire or reward operated on a temporary basis by a carrier established in a Member State as provided for in Chapter V.

Article 2

Definitions

For the purposes of this Regulation, the following definitions shall apply:

1. 'international carriage' means:

(a) a journey undertaken by a vehicle the point of departure and the point of arrival of which are in two different M

(aa) a journey undertaken by a vehicle the point of departure or the point of arrival of which is in Gibraltar and the p

(b) a journey undertaken by a vehicle of which the point of departure and the point of arrival are in Gibraltar or the same Member State, while the picking up or setting down of passengers is in Gibraltar or another Member State or in a third country;

(c) a journey undertaken by a vehicle from a Member State to a third country or vice versa, with transit through Gibraltar and with or without transit through one or more Member States or third countries;

(cc) a journey undertaken by a vehicle from the United Kingdom to a third country or vice versa, with transit through one or more Member States and with or without transit through one or more Member States or third countries; or

(d) a journey undertaken by a vehicle between third countries, with transit through Gibraltar and the territory of one or more Member States;

2. 'regular services' means 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;

3. 'special regular services' means regular services, by whomsoever organised, which provide for the carriage of specified categories of passengers to the exclusion of other passengers;

4. 'occasional services' means services which do not fall within the definition of regular services, including special regular services, and the main characteristic of which is the carriage of groups of passengers constituted on the initiative of the customer or the carrier himself;

5. 'own-account transport operations' means operations carried out for non-commercial and non-profit-making purposes by a natural or legal person, whereby:

- the transport activity is only an ancillary activity for that natural or legal person, and
- the vehicles used are the property of that natural or legal person or have been obtained by that person on deferred terms or have been the subject of a long-term leasing contract and are driven by a member of the staff of the natural or legal person or by the natural person himself or by personnel employed by, or put at the disposal of, the undertaking under a contractual obligation;

6. *Omitted*

7. ‘cabotage operations’ means either:

- road passenger services for hire and reward carried out on a temporary basis in Gibraltar by a carrier established in a Member State, or
- the picking up and setting down of passengers within Gibraltar by a carrier established in a Member State, in the course of a regular international service, in compliance with the provisions of this Regulation, provided that it is not the principal purpose of the service;

8. ‘serious infringement of retained EU law relating to road transport or Community road transport legislation’ means an infringement which may lead to the loss of good repute in accordance with Article 6(1) and (2) of Regulation (EC) No 1071/2009, and/or to the temporary or permanent withdrawal of a Community licence.

9. ‘EU Regulation 1073/2009’ means 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 (recast), as that Regulation has effect in EU law;

10. ‘EU Regulation 361/2014’ means Commission Regulation (EU) No 361/2014 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, as that Regulation has effect in EU law;

11. ‘third country’ means a country other than Gibraltar or a Member State.

Any reference in this Regulation to an EU instrument or to a particular provision of such an instrument:

(a) is a reference to that instrument or provision as amended from time to time, and

(b) if that instrument or provision is replaced, with or without modification, shall be construed as a reference to the instrument or provision replacing it.

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

The licences issued by Iceland, Liechtenstein and Norway in accordance with EU Regulation 1073/2009, as adapted in Appendix 4 to Annex XIII of the EEA Agreement, as that Annex has effect in EU law, shall be recognised.

Article 3

Freedom to provide services

1. Any carrier for hire or reward referred to in Article 1 shall be permitted in accordance with this Regulation to carry out regular services between Gibraltar and the territory of the Community, including special regular services and occasional services by coach and bus, without discrimination on grounds of nationality or place of establishment if he:

(a) is authorised in the Member State of establishment to undertake carriage by means of regular services, including special regular services, or occasional services by coach and bus, in accordance with the market access conditions laid down by the legislation of that Member State;

(b) satisfies the conditions laid down in accordance with Community rules on admission to the occupation of road passenger transport operator in national and international transport operations; and

(c) meets legal requirements regarding the standards for drivers and vehicles as laid down, in particular, in Council Directive 92/6/EEC of 10 February 1992 on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community, Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international

traffic and Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, as those Directives have effect in EU law.

2. Any own-account carrier referred to in Article 1 shall be permitted to carry out the transport services pursuant to Article 5(5) without discrimination on grounds of nationality or place of establishment if he:

(a) is authorised in the Member State of establishment to undertake carriage by coach and bus in accordance with the market-access conditions laid down in the legislation of that Member State; and

(b) meets legal requirements regarding the standards for drivers and vehicles as laid down, in particular, in Directives 92/6/EEC, 96/53/EC and 2003/59/EC, as those Directives have effect in EU law.

CHAPTER II

COMMUNITY LICENCE AND MARKET ACCESS

Article 4

Community licence

1. International carriage of passengers by coach and bus by a carrier established in a Member State shall be carried out within Gibraltar subject to possession by that carrier of a Community licence issued by the competent authorities of the Member State of establishment in accordance with Article 4 of EU Regulation 1073/2009.

2. *Omitted*

3. A certified true copy of the Community licence shall be kept in each of the carrier's vehicles and shall be presented at the request of any authorised inspecting officer.

Article 5

Access to the market

1. Regular services shall be open to all, subject, where appropriate, to compulsory reservation.

Such services shall be subject to authorisation in accordance with the provisions of Chapter III.

Regular services from a Gibraltar to a third country and vice versa shall be subject to authorisation in accordance with the bilateral agreement between the Gibraltar and the third country.

The regular nature of the service shall not be affected by any adjustment to the service operating conditions.

The organisation of parallel or temporary services, serving the same public as existing regular services, the non-serving of certain stops and the serving of additional stops on existing regular services shall be governed by the same rules as those applicable to existing regular services.

2. Special regular services shall include in particular:

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

(b) 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 regular service.

Special regular services shall not be subject to authorisation in accordance with Chapter III where they are covered by a contract concluded between the organiser and the carrier.

3. Occasional services shall not require authorisation in accordance with Chapter III.

However, the organisation of parallel or temporary services comparable to existing regular services and serving the same public as the latter shall be subject to authorisation in accordance with the procedure laid down in Chapter III.

Occasional services shall not cease to be occasional services solely on the grounds that they are provided at certain intervals.

Occasional services may be provided by a group of carriers acting on behalf of the same contractor, and travellers may catch a connection en route, with a different carrier of the same group, within Gibraltar.

4. Empty journeys by vehicles in connection with the transport operations referred to in the third subparagraph of paragraph 2, and in the first subparagraph of paragraph 3, shall likewise not require authorisation.

5. Own-account transport operations by any vehicle which is registered in a Member State shall be exempt from authorisation but shall be carried out within Gibraltar subject to possession of a certificate issued by the competent authorities of the Member State in which the vehicle is registered in accordance with Article 5(5) of EU Regulation 1073/2009 and Article 9 of EU Regulation 361/2014, which shall be valid for the entire journey including transit.

CHAPTER III

REGULAR SERVICES SUBJECT TO AUTHORISATION

Article 6

Nature of authorisation

1. Authorisations shall be issued in the name of the carrier and shall be non-transferable. However, a carrier who has received an authorisation may, with the consent of the competent authority of the Gibraltar, hereinafter referred to as the ‘authorising authority’, operate the service through a subcontractor. In this case, the name of the subcontractor and its role shall be indicated in the authorisation. The subcontractor shall satisfy the conditions laid down in Article 3(1).

In the case of undertakings associated for the purpose of operating a regular service, the authorisation shall be issued in the names of all the undertakings and shall state the names of all the operators. It shall be given to the undertaking that manages the operation and copies shall be given to the other undertakings.

2. The period of validity of an authorisation shall not exceed 5 years. It may be set at less either at the request of the applicant or by the authorising authority.

3. Authorisations shall specify the following:

(a) the type of service;

(b) the route of the service, giving in particular the point of departure and the point of arrival;

(c) the period of validity of the authorisation;

(d) the stops and the timetable.

4. Authorisations shall be in the format prescribed by Article 8 of EU Regulation 361/2014.

5. Authorisations shall entitle their holder(s) to operate regular services in the Gibraltar over which the routes of the service pass.

6. The operator of a regular service may use additional vehicles to deal with temporary and exceptional situations. Such additional vehicles may be used only under the same conditions as set out in the authorisation referred to in paragraph 3.

In this case, the carrier shall ensure that the following documents are carried on the vehicle:

(a) a copy of the authorisation of the regular service;

(b) a copy of the contract between the operator of the regular service and the undertaking providing the additional vehicles or an equivalent document;

(c) a certified true copy of the Community licence issued to the operator providing the additional vehicles for the service.

Article 7

Submission of application for authorisation

1. Applications for authorisation of regular services shall be submitted to the authorising authority.

2. Applications shall be in the format prescribed by Article 7 of EU Regulation 361/2014.

3. Persons applying for authorisation shall provide any further information which they consider relevant or which is requested by the authorising authority, in particular a driving schedule making it possible to monitor compliance with retained EU law on driving and rest periods and a copy of the Community licence.

Article 8

Authorising procedure

1. *Omitted*

2. *Omitted*

3. The authorising authority shall take a decision on the application within 4 months of the date of submission of the application by the carrier.

4. Authorisation shall be granted unless:

(a) the applicant is unable to provide the service which is the subject of the application with equipment directly available to him;

(b) the applicant has not complied with national or international legislation on road transport, and in particular the conditions and requirements relating to authorisations for international road passenger services, or has committed serious infringements of retained EU law relating to road transport or Community road transport legislation in particular with regard to the rules applicable to vehicles and

driving and rest periods for drivers;

(c) in the case of an application for renewal of authorisation, the conditions of authorisation have not been complied with;

(d) the authorising authority decides on the basis of a detailed analysis and non-discriminatory criteria that the service concerned would seriously affect the viability of a comparable service covered by one or more public service contracts conforming to retained EU law on the direct sections concerned;

(e) the authorising authority decides on the basis of a detailed analysis that the principal purpose of the service is not to carry passengers between stops located in Gibraltar and a Member State.

In the event that an existing international coach and bus service is seriously affecting the viability of a comparable service covered by one or more public service contracts conforming to retained EU law on the direct sections concerned, due to exceptional reasons which could not have been foreseen at the time of granting the authorisation, the authorising authority may suspend or withdraw the authorisation to run the international coach and bus service after having given 6 months' notice to the carrier.

The fact that a carrier offers lower prices than those offered by other road carriers or the fact that the link in question is already operated by other road carriers shall not in itself constitute justification for rejecting the application.

5. The authorising authority may refuse applications only on the basis of reasons provided for in this Regulation.

6. Having completed the procedure laid down in paragraphs 3 to 5, the authorising authority shall grant the authorisation or formally refuse the application.

Decisions refusing an application shall state the reasons on which they are based. Transport undertakings may make representations in the event of their application being refused.

Article 9

Renewal and alteration of authorisation

Article 8 shall apply, *mutatis mutandis*, to applications for the renewal of authorisations or for alteration of the conditions under which the services subject to authorisation must be carried out.

Article 10

Lapse of an authorisation

1. Without prejudice to the provisions of Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road(12), an authorisation for a regular service shall lapse at the end of its period of validity or 3 months after the authorising authority has received notice from its holder of his intention to withdraw the service. Such notice shall contain a proper statement of reasons.

2. Where demand for a service has ceased to exist, the period of notice provided for in paragraph 1 shall be of 1 month.

3. *Omitted*

4. The holder of the authorisation shall notify users of the service concerned of its withdrawal 1 month in advance by means of appropriate publicity.

Article 11

Obligations of carriers

1. Save in the event of *force majeure*, the operator of a regular service shall, until the authorisation expires, take all measures to guarantee a transport service that fulfils the standards of continuity, regularity and capacity and complies with the other conditions laid down by the authorising authority in accordance with Article 6(3).

2. The carrier shall display the route of the service, the bus stops, the timetable, the fares and the conditions of carriage in such a way as to ensure that such information is readily available to all users.

3. Without prejudice to Regulation (EC) No 1370/2007, it shall be possible for the authorising authority in agreement with the holder of the authorisation, to make changes to the operating conditions governing a regular service.

CHAPTER IV

OCCASIONAL SERVICES AND OTHER SERVICES EXEMPT FROM AUTHORISATION

Article 12

Control documents

1. With the exception of the services referred to in the second subparagraph of Article 5(3), occasional services by a carrier established in a Member State shall be carried out under cover of a journey form supplied by the competent authority of that Member State or a body appointed by that authority in accordance with Article 12 of EU Regulation 1073/2009 and Section I of EU Regulation 361/2014.

2. A carrier operating occasional services shall fill out a journey form before each journey.

3. The journey form shall contain at least the following information:

(a) the type of service;

(b) the main itinerary;

(c) the carrier(s) involved.

4. *Omitted*

5. *Omitted*

6. In the case of the special regular services referred to in the third subparagraph of Article 5(2), the contract or a certified true copy thereof shall serve as the control document.

Article 13

Local excursions

Within the framework of an international occasional service, a carrier established in a Member State may carry out occasional services (local excursions) in Gibraltar.

Such services shall be intended for passengers who are not resident within Gibraltar and have been previously carried by the same carrier on one of the international services mentioned in the first paragraph and shall be carried out with the same vehicle or another vehicle from the same carrier or group of carriers.

CHAPTER V

CABOTAGE

Article 14

General principle

Any carrier who operates road passenger transport services for hire or reward and who holds a Community licence shall be permitted, under the conditions laid down in this Chapter and without discrimination on grounds of the carrier's nationality or place of establishment, to operate the cabotage operations as specified in Article 15.

Article 15

Authorised cabotage operations

Cabotage operations shall be authorised for the following services:

(a) special regular services provided that they are covered by a contract concluded between the organiser and the carrier;

(b) occasional services;

(c) regular services, performed by a carrier not resident in the Gibraltar in the course of a regular international service in accordance with this Regulation with the exception of transport services meeting the needs of an urban centre or conurbation, or transport needs between it and the surrounding areas. Cabotage operations shall not be performed independently of such international service.

Article 16

Rules applicable to cabotage operations

1. The performance of the cabotage operations shall be subject, save as otherwise provided in retained EU law, to other laws, regulations and administrative provisions in force in the Gibraltar with regard to the following:

(a) the conditions governing the transport contract;

(b) the weights and dimensions of road vehicles;

(c) the requirements relating to the carriage of certain categories of passengers, namely schoolchildren, children and persons with reduced mobility;

(d) the driving time and rest periods;

(e) the value added tax (VAT) on transport services.

2. Save as otherwise provided in retained EU law, cabotage operations which form part of the transport services provided for in Article 15(c) shall be subject to the laws, regulations and administrative provisions in force in any other Gibraltar regarding authorisations, tendering procedures, the routes to be operated and the regularity, continuity and frequency of services as well as itineraries.

3. The technical standards of construction and equipment which must be met by vehicles used to carry out cabotage operations shall be those laid down for vehicles put into circulation in international transport.

4. The other laws, regulations and administrative provisions referred to in paragraphs 1 and 2 shall be applied to carriers under the same conditions as those imposed on carriers established in Member States established in the Gibraltar, so as to prevent any discrimination on grounds of nationality or place of establishment.

Article 17

Control documents for cabotage operations

1. Cabotage operations in the form of occasional services shall be carried out under cover of a journey form as referred to in Article 12 which shall be kept on board the vehicle and be presented at the request of any authorised inspecting officer.

2. The following information shall be entered in the journey form:

(a) the points of departure and arrival of the service;

(b) the date of departure and the date on which the service ends.

3. *Omitted*

4. In the case of special regular services, the contract concluded between the carrier and the transport organiser, or a certified true copy thereof, shall serve as the control document.

CHAPTER VI

CONTROLS AND PENALTIES

Article 18

Transport tickets

1. Carriers operating a regular service, excluding special regular services, shall issue either individual or collective transport tickets indicating:

(a) the points of departure and arrival and, where appropriate, the return journey;

(b) the period of validity of the ticket;

(c) the fare of transport.

2. The transport ticket provided for in paragraph 1 shall be presented at the request of any authorised inspecting officer.

Article 19

Inspections on the road and in undertakings

1. The authorisation or control document shall be carried on the vehicle and shall be presented at the request of any authorised inspecting officer.

2. Carriers operating international carriage of passengers by coach and bus shall allow all inspections intended to ensure that operations are being conducted correctly, in particular as regards driving and rest periods. In the context of the implementation of this Regulation, authorised inspecting officers shall be empowered to:

(a) check the books and other documentation relating to the operation of the transport undertaking;

(b) make copies of, or take extracts from, the books and documentation on the premises;

(c) have access to all the transport undertaking's premises, sites and vehicles;

(d) require the production of any information contained in books, documentation or data bases.

Article 20

Omitted

Article 21

Withdrawal of authorisations

1. *Omitted*

2. The authorising authority shall withdraw an authorisation where the holder no longer fulfils the conditions on the basis of which the authorisation was issued under this Regulation.

Articles 22 to 24

Omitted

CHAPTER VII

IMPLEMENTATION

Articles 25 to 28

Omitted

Article 29

Amendment to Regulation (EC) No 561/2006

In Article 8 of Regulation (EC) No 561/2006, the following paragraph shall be inserted:

‘6a.By way of derogation from paragraph 6, a driver engaged in a single occasional service of international carriage of passengers, as defined in 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(14), may postpone the weekly rest period for up to 12 consecutive 24-hour periods following a previous regular weekly rest period, provided that:

(a) the service lasts at least 24 consecutive hours in a Member State or a third country to which this Regulation applies other than the one in which the service started;

(b) the driver takes after the use of the derogation:

(i) either two regular weekly rest periods; or

(ii) one regular weekly rest period and one reduced weekly rest period of at least 24 hours. However, the reduction shall be compensated by an equivalent period of rest taken en bloc before the end of the third week following the end of the derogation period;

(c) after 1 January 2014, the vehicle is equipped with recording equipment in accordance with the requirements of Annex IB to Regulation (EEC) No 3821/85; and

(d) after 1 January 2014, if driving during the period from 22,00 to 06,00, the vehicle is multi-manned or the driving period referred to in Article 7 is reduced to three hours.

The Commission shall monitor closely the use made of this derogation in order to ensure the preservation of road safety under very strict conditions, in particular by checking that the total accumulated driving time during the period covered by the derogation is not excessive. By 4 December 2012, the Commission shall draw up a report assessing the consequences of the derogation in respect of road safety as well as social aspects. If it deems it appropriate, the Commission shall propose amendments to this Regulation in this respect.’

CHAPTER VIII

FINAL PROVISIONS

Article 30

Repeals

Regulations (EEC) No 684/92 and (EC) No 12/98 are hereby repealed.

References to the repealed Regulations shall be construed as references to this Regulation and shall be read in accordance with the correlation table set out in Annex III.

Article 31

Omitted

ANNEX I

Omitted

ANNEX II

Omitted

ANNEX III

CORRELATION TABLE

Regulation (EEC) No 684/92	Regulation (EC) No 12/98	This Regulation
Article 1		Article 1
Article 2, point 1.1.	Article 2(1)	Article 2(2), Article 5(1)
Article 2, point 1.2.	Article 2(2)	Article 2(3), Article 5(2)
Article 2, point 1.3.		Article 5(1), fifth subparagraph
Article 2, point 3.1.	Article 2(3)	Article 2(4), Article 5(3)
Article 2, point 3.3.		Article 5(3)
Article 2, point 3.4.		Article 5(3)
Article 2, point 4.		Article 2(5), Article 5(5)
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Article 4		Article 5
Article 5		Article 6
Article 6		Article 7
Article 7		Article 8
Article 8		Article 9
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Article 10		Article 11
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Article 12		Article 13
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Article 14		Article 18
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Article 16(3)		Article 22(1)
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	Article 11(3)	Article 23(2)
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Article 17		
Article 18		Article 25
Article 19	Article 14	Article 27
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Article 21		Article 30
Article 22	Article 15	Article 31
Annex		Annex II