



## EUROPEAN COMMISSION

Brussels, 31.05.2018  
C(2018) 3297 final

*Dear President,*

*The Commission would like to thank the Senat for its Opinion on the proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1073/2009 on common rules for access to the international market for coach and bus services {COM(2017) 647 final}.*

*This proposal forms part of a broader package of ambitious measures designed to lead the fight against climate change, make European industry stronger and more competitive, and improve the quality of life and choice of citizens for their daily mobility.*

*The functioning of the internal road passenger transport market is hampered by obstacles in national markets hindering the development of inter-urban coach and bus services and there is a low share of sustainable passenger transport modes. This proposal aims at improving the mobility of citizens over longer distances and increasing the use of sustainable transport modes.*

*The Commission takes note of the recommendation of the Senat regarding how a relaxation of the rules on cabotage in road freight transport, similar to what the Commission has proposed in road passenger transport, could contribute to the objectives of environmental protection. It would like to clarify that the road freight market and the road passenger transport market are separate markets and the provision of cabotage services for passengers is subject to different rules than those applicable to freight.*

*The Commission does not share the concern of the Senat that the proposed provisions on the organisation of regular national services may represent a substantial interference in national transport systems. It considers that the proposed rules represent a balanced approach to market access for non-resident carriers and create a more level playing field for road passenger transport operators.*

*The Commission notes the Senat's concerns about access to terminals and its suggestion that there may be other good reasons to refuse access to a terminal other than lack of capacity. It does not share the Senat's concern that the designation by the Member States of an independent regulatory body is disproportionate. The Commission considers that the independent body is an essential requirement to avoid any conflicts of interest and to ensure the proper functioning of the road passenger transport market.*

*Mr Călin POPESCU-TĂRICEANU  
President of the Senat  
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*The Commission takes note of the Senat's call for clarification on the distance threshold used in the authorisation procedure for regular services, and would like to point out that the justification for the selection of this distance threshold is provided in Annex 6 to the Commission Staff Working Document accompanying the proposal amending Regulation (EC) No 1073/2009 {SWD(2017) 358 final}.*

*The Commission does not share the Senat's concerns that abolishing the control document for international occasional services could generate substantial problems from the perspective of effective controls. It considers that the control document no longer serves any purpose, and would like to point out that several Member States have already abolished the control document with no negative impacts.*

*The Commission notes the Senat's objection to the proposed delegation of powers to the Commission to establish the procedure and criteria for the application of Article 8d of the proposal. The Commission's approach to the delegation of power is based on the principle that acts adopted through a legislative procedure best ensure the democratic legitimacy envisaged by the Treaty. However, properly used, delegated powers are an integral tool of better law-making, contributing to simple and up-to-date legislation and its efficient and swift implementation. Therefore, the Commission would only propose empowerments for delegated acts or implementing acts where this is justified, namely when it is not possible or less efficient or effective to include the relevant elements directly in the basic legislative act. In this particular case, the basic act requires the laying down of further requirements to be met by the regulatory body. As such measures are of a supplementary nature, the Commission considers that they should be adopted by means of a delegated act. Nevertheless, the final decision on the nature and the contents of the empowerment is to be taken by the legislator.*

*In relation to the Senat's request for further clarification of the intention behind the introduction of Article 8b of the proposal ("Authorisation procedure for national regular service"), the Commission wishes to explain that the rules laid down in that Article only apply to non-resident carriers who wish to carry out national road passenger transport services on the territory of a Member State.*

*The proposal is currently in the legislative process involving both the European Parliament and the Council. The Senat's Opinion has been made available to the Commission's representatives in the ongoing negotiations with the co-legislators and will inform these discussions.*

*The Commission hopes that the clarifications provided in this reply address the issues raised by the Senat and looks forward to continuing the political dialogue in the future.*

*Yours faithfully,*

*Frans Timmermans  
First Vice-President*

*Violeta Bulc  
Member of the Commission*