



EUROPEAN COMMISSION

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Dear Presidents,

The Commission would like to thank the Cortes Generales for their Reasoned 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 in 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 will improve the mobility of citizens over longer distances and increase the use of sustainable transport modes.

The Commission takes seriously the assessment of the Cortes Generales as regards the incompatibility of the proposal with the principle of subsidiarity.

First and foremost, the Commission would like to reassure the Cortes Generales that the proposal has been based on a thorough impact assessment in line with the Better Regulation agenda. The impact assessment has relied on an in-depth analysis of the international and national markets for coach and bus services across the European Union and, very importantly, on a broad consultation process with stakeholders, Member States, social partners and a survey of 27,901 citizens throughout Europe.

The Commission does not share the view that the legislative proposal is not consistent with the subsidiarity principle. The subsidiarity assessment of the proposal (necessity test and test of European Union added value) is documented in the impact assessment report

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accompanying the proposal {SWD(2017) 358 final}. It is important to underline that Regulation (EC) No 1073/2009 already applies to national road passenger transport services by a non-resident carrier and that European Union action in the proposal stems from the transnational nature of long distance regular services. Actions by Member States alone cannot ensure the coherence of market access rules needed for the emergence of a genuine internal market for road passenger transport.

The Commission does not share the view that the proposal encroaches upon national competences. The current legal framework applicable to national regular services operated by a non-resident carrier is established in Chapter V of Regulation (EC) No 1073/2009. The Commission's proposal only modifies the conditions under which these services can be operated.

Furthermore, the Commission would like to underline that the proposal will not prevent Member States from organising their public transport services and will not impinge upon Member States' right to specify public service obligations. The proposal entrusts national regulatory bodies with the task of ensuring that new commercial regular services do not compromise the economic equilibrium of services of general economic interest operated in accordance with Regulation (EC) No 1370/2007. In this context, it should be emphasised that the delimitation of commercial regular services and services of general economic interest will remain largely a responsibility of Member States, applying basic principles of European Union law.

The Commission would like to emphasise that European Union road transport legislation applies equally in all Member States. The Commission considers that this ensures that the principle of non-discrimination on grounds of geography is not infringed.

Finally, the Commission does not share the view of the Cortes Generales on the results of the necessity test. The Commission would like to underline that the legitimate rights of Member States to take actions which reflect their local, regional or national specificities must not unduly restrict the proper functioning of the international transport market. Non-resident carriers are required today to comply with different rules in each Member States in which they operate. It is therefore necessary for the European Union to act in order to ensure the coherence and coordination of uniform market access rules needed for the emergence of a genuine internal market for road passenger transport.

The Cortes Generales' Reasoned Opinion has been made available to the Commission's representatives in the ongoing negotiations with the co-legislators and will inform these discussions.

The points made above are based on the initial proposal presented by the Commission, which is currently in the legislative process involving both the European Parliament and the Council.

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

Yours faithfully,

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First Vice-President*

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Member of the Commission*