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Ex-post evaluation of 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

EXECUTIVE SUMMARY

Accompanying the document

Proposal for a Regulation of the European Parliament and of the Council amending 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

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The freedom to provide services is a basic Treaty principle, which in the area of the provision of coach and bus services is implemented by the common transport policy. Regulation (EC) No 1073/2009 (the Regulation) establishes the conditions for the international carriage of passengers by coach and bus within the EU by carriers for hire or reward. The Regulation lays down the provisions to be complied with by undertakings that wish to operate on the international road passenger transport market and on national markets other than their own (cabotage). It includes provisions related to the documents to be issued to such undertakings by the Member State of registration (Community licence) as well as the authorisation procedure for regular services.

The Regulation is to a large extent a recast of two pre-existing pieces of legislation on access to the road transport market. It introduced a simpler and faster procedure to authorise international regular services, and it simplified the rules related to the Community licence. It was adopted as a part of the package of measures aimed at modernising the rules governing admission to the occupation of road transport operator and access to the road transport market. As a global objective, the Regulation aims at the completion of the internal market for coach and bus services and at increasing the efficiency and competitiveness to generate a shift in the use of private passenger cars to coach and bus services.

This evaluation analyses whether the Regulation has been effective and efficient in attaining its objectives, whether it is still relevant to have an EU level instrument in this area, as well as if the Regulation is coherent with other EU policies. The evaluation covers the whole EU and the period from 2009 to 2015. It is supported by an external fact-finding study carried out for the Commission in 2015-2016¹, regular contacts with stakeholders, as well as policy documents of the Commission and other relevant literature.

The main outcome of the evaluation suggests that the Regulation has contributed to establish a more coherent framework for international services. The changes brought about by the Regulation have contributed to the progression towards the establishment of a true internal market. Market opening has resulted in improvements in the level-of-service with growth in the number of operators, numbers of passengers and the number of services however it is difficult to determine the exact growth that can be attributed to the Regulation in isolation.

Despite its achievements, the inter-urban coach and bus sector has failed to grow at a rate comparable to that of other transport modes and its modal share has continued to decline over an extended period. The sector has failed to compete effectively with other modes, in particular the private car, as a means of making longer distance journeys.

The analysis of relevance shows that the problems of discrimination and unnecessary administrative burdens remain relevant and are not adequately addressed by the existing objectives. There is a mismatch in the relationship between the problem of sub-optimal mix of transport modes and the objective of promoting bus and coach as a sustainable alternative to individual car transport and they both appear not sufficiently defined. It is suggested that the main problem is the lack of attractive mix of alternative transport modes for citizens. This particularly problematic for those with little or no access to cars or other transport modes, those that live in disadvantaged regions and those with reduced mobility.

¹ <https://ec.europa.eu/transport/sites/transport/files/modes/road/studies/doc/2016-04-passenger-transport-by-coach-in-europe.pdf>

The objectives were not aimed at the problem of discrimination in access to terminals. Yet, terminals serve a vital role acting as a hub in a network enabling passengers to change coach or acting as a multimodal hub enabling passengers to transfer to another collective mode of transport. The evaluation found evidence of discriminatory access to terminals which distorts service patterns and limits the possibility of operators to adapt services to passenger demand. The accessibility to terminals as well as the extent to which the terminals are linked to other modes of transport is particularly important for international regular services.

There are a wide range of restrictions on access to national markets limiting competition between operators and against other modes. Different and divergent rules on access to national markets have evolved, including on liberalised markets. This patchwork makes the provision of national coach and bus services difficult. As most passengers are carried within national borders, the objective of promoting coach and bus services could not be achieved to the extent that would have been possible had the market in the EU been more integrated.

The patchwork appears to prevent operators – especially SMEs – from operating in other Member States, as it implies a high administrative burden. This may also explain why operators have not developed international services to a greater extent between these Member States. Restrictions also apply in circumstances where markets have been liberalised, e.g. on services that are below a defined distance threshold, prohibition on entry to routes served by an operator meeting public service obligations under a contract and withholding permission to operate following an analysis of the impact of the proposed service. This discourages or even frustrates new entry and makes it difficult for carriers to plan new services.

As regards efficiency, the benefits achieved from the modification of the authorising procedure has improved market efficiency and, although it is estimated that it has not brought about all the benefits expected in the Impact Assessment (i.e. the operator would gain EUR 25,000 in additional revenue), it assumed to have reduced costs by EUR 10,800 per application. The new procedure has also enabled the provision of a wider range of services. It is expected that, and confirmed by most stakeholders, the standardisation of control documents has resulted in cost savings by shortening the time required for roadside inspections but there is no comprehensive data available to quantify the savings. However, the evaluation found that operators can still incur considerable administration costs as a result of the procedures for obtaining a Community licence, an authorisation or a control document. The excessive administrative costs of entry are as a result of protracted administrative procedures which vary significantly by Member State.

In general, the adoption of the Regulation has led to positive effects compared to the situation prior to when it entered into force. The analysis indicates that it is more relevant, effective and efficient than national legislation on access to the international market for bus and coach services and on the functioning of the internal market. This provides support to the conclusions that an EU approach in the form of a Regulation is the most suitable way to ensure access to the market for bus and coach services.

Having an uncompetitive coach and bus sector is not fully compatible with current policy priorities in terms of deepening the single market and the low-emission mobility. It goes against the needs of the European citizens, in terms of their increasing mobility needs, and the European economy in terms of the lack of efficiency of the sector. Enhancing the competitiveness and accessibility of the coach and bus sector should therefore be considered.