



Brussels, 17 May 2018  
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TRANS 204

## PROPOSAL

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From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	16 May 2018
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2018) 288 final
Subject:	ANNEX to the Proposal for a COUNCIL DECISION on the signing, on behalf of the European Union, of a Protocol to the Agreement on the international occasional carriage of passengers by coach and bus (Interbus Agreement) regarding the international regular and special regular carriage of passengers by coach and bus

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Delegations will find attached document COM(2018) 288 final.

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Encl.: COM(2018) 288 final



Brussels, 16.5.2018  
COM(2018) 288 final

ANNEX

**ANNEX**

**to the**

**Proposal for a COUNCIL DECISION**

**on the signing, on behalf of the European Union, of a Protocol to the Agreement on the international occasional carriage of passengers by coach and bus (Interbus Agreement) regarding the international regular and special regular carriage of passengers by coach and bus**

## PROTOCOL

### **to the Agreement on the international occasional carriage of passengers by coach and bus (Interbus Agreement) regarding the international regular and special regular carriage of passengers by coach and bus**

THE CONTRACTING PARTIES,

Having regard to the desire to further develop and promote international passenger transport in Europe and facilitate its organisation and operation,

Having regard to the increasing importance of tourism and the desire to further promote cultural exchange among the Contracting Parties to this Protocol,

Having regard to the Agreement on the international occasional carriage of passengers by coach and bus ('Interbus Agreement') <sup>(1)</sup>, as subsequently amended, that entered into force on 1 January 2003 <sup>(2)</sup>,

Having regard to the desire to enlarge the scope of transport services contained in the Interbus Agreement to also cover regular and special regular services subject to certain conditions,

Whereas:

- (1) The scope of the Interbus Agreement should be enlarged by way of provisions establishing procedures for regular and special regular services subject to authorisation.
- (2) This Protocol, which contains such provisions, should be open for accession to the Contracting Parties to the Interbus Agreement.
- (3) Other than for partnership arrangements, for the time being, the liberalisation of regular and special regular services subject to authorisation should only apply to services with origin or destination in the Contracting Party of establishment of the road transport operator where the vehicles of the operator are registered.
- (4) While the possibility of operating regular or special regular services with the origin and destination in the same Contracting Party by operators established in another Contracting Party should be excluded, such transport operators should be allowed to pick up or set down passengers at predetermined stopping points as part of a service insofar as they do not transport passengers between two stops within one Contracting Party which is not their Contracting Party of establishment.
- (5) The principle of non-discrimination on the grounds of nationality or the place of establishment of the transport operator, and of the origin or destination of the coach and bus and the service provided should apply as one fundament to the provision of international road passenger transport services.
- (6) It is necessary to provide for uniform models of the application form and authorisation for international regular and special regular services in order to facilitate and simplify procedures. Also the documents serving as control requirements and kept in the vehicle and presented at the request of any authorised inspecting officer in accordance with this Protocol should be specified to avoid divergent interpretations.
- (7) The authorisation for international regular or special regular road passenger services approved by the competent authorities of all relevant Contracting Parties or Union Member States of origin and destination of the service and those *en route* in accordance with the 'authorisation procedure' and granted by the authorising authority of the origin or destination of the service should allow the applicant operator

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<sup>1</sup> OJ L 321, 26.11.2002, p. 13

<sup>2</sup> OJ L 321, 26.11.2002, p. 44.

established in the Contracting Party of origin or destination of the service, or to the operator established in the contracting Party of origin or destination and entrusted by the other operators for these purposes or in case of a partnership or groups, to carry out the service between the origin and destination of the route. This authorisation should constitute the sole authorisation needed to carry out the service. No separate authorisations should be needed to cross the Contracting Parties or Union Member States or their border as part of the service, irrespective of whether passengers are picked up or set down in the Contracting Party or Union Member State *en route*.

- (8) Subject to certain conditions, a Contracting Party or European Union Member State should be allowed to decide that international regular or special regular services with origin or destination on its territory should be subject to partnership arrangements between operators of the origin and destination of that service. Operators established in the Contracting Parties or European Union Member States whose territories the service crosses with passengers being picked up and set down may join such partnerships.
- (9) It is appropriate to establish a Joint Committee to manage this Protocol in order to ensure proper and uniform enforcement and to adapt the Annexes to technical and legislative progress,
- (10) It is necessary that the Contracting Parties apply uniform social measures concerning the work of the crews of buses and coaches engaged in international road transport, governed by the rules enshrined in the Interbus Agreement, to which this Protocol should refer.
- (11) The conditions under which regular and special regular services are carried out, should be governed by the rules enshrined in the Interbus Agreement, to which this Protocol should refer, subject to specific rules, as specified in Annex 1 to this Protocol.
- (12) Harmonisation of the technical conditions applying to buses and coaches carrying out international services between Contracting Parties should be governed by the rules enshrined in the Interbus Agreement, to which this Protocol should refer, as specified in Annex 2 to this Protocol.

HAVE DECIDED to establish uniform rules for the international regular and special regular carriage of passengers by coach and bus, and

HAVE AGREED AS FOLLOWS:

## **SECTION I**

### **SCOPE AND DEFINITIONS**

#### Article 1

##### **Scope**

1. This Protocol shall apply:
  - (a) to the international carriage of passengers, of any nationality, by road by means of regular and special regular services by coach and bus:
    - between the territories of two Contracting Parties, and, should the need arise during such services, crossing through the territory of another Contracting Party or through the territory of a non-Contracting State,

- carried out by transport operators for hire or reward established in a Contracting Party of the origin and/or destination of the service and, in the case of a partnership, in Contracting Parties or Union Member States through which the service crosses with passengers being picked up and set down, if they so decide, in accordance with the applicable law and holding a licence to undertake carriage of passengers by means of international regular and special regular services by coach and bus,
- using buses and coaches registered in the Contracting Party where the transport operator is established;

(b) to unladen journeys of the buses and coaches concerned with these services.

2. None of the provisions of this Protocol may be interpreted as providing the possibility of operating regular or special regular services with the origin and destination in the same Contracting Party by operators established in another Contracting Party (cabotage).

3. In accordance with paragraph 1 and subject to paragraph 2, where the carriage is part of a service to or from the territory in which the transport operator is established, passengers may be picked up or set down in the territory of any Contracting Party *en route* authorising a stop in its territory.

4. This Protocol does not apply to

- the use of buses and coaches designed to carry passengers for the transport of goods for commercial purposes;
- own-account services.

## *Article 2*

### **Non-discrimination**

Contracting Parties shall ensure that the principle of non-discrimination on the grounds of the nationality or the place of establishment of the transport operator, and of the origin or destination of the coach or bus and the service provided, is applied to this Protocol.

## *Article 3*

### **Definitions**

1. For the purposes of this Protocol, the definitions in Article 3 of the Interbus Agreement shall apply.

2. Without prejudice to paragraph 1, for the purposes of this Protocol, the following additional definitions shall apply:

- (a) *'Interbus Agreement'* means the Agreement on the international occasional carriage of passengers by coach and bus <sup>(3)</sup> which entered into force on 1 January 2003 <sup>(4)</sup> as subsequently amended;

<sup>3</sup> OJ L 321, 26.11.2002, p. 11.

<sup>4</sup> OJ L 321, 26.11.2002, p. 44.

- (b) *'partnership' means any agreement or other contractual arrangement of whatever type according to which its parties, known as partners, commit to cooperate in respect of the service to be provided;*
- (c) *'associated undertaking' means an undertaking in which one or more undertakings (the parent undertaking or undertakings) have a participating interest, and over whose operating and financial policies that other undertaking or those other undertakings exercise significant influence.*
- (d) *'group' means any of the following:*
- *one or more associated undertakings and their parent undertaking or undertakings;*
  - *one or more associated undertakings having the same parent undertaking or undertakings;*

## **SECTION II**

### **CONDITIONS APPLYING TO ROAD PASSENGER TRANSPORT OPERATORS**

#### *Article 4*

Contracting Parties shall apply the provisions referred to in Annex 1.

## **SECTION III**

### **TECHNICAL CONDITIONS APPLYING TO VEHICLES**

#### *Article 5*

The buses and coaches used to carry out the international regular or special regular services covered by this Protocol shall comply with the technical standards referred to in Annex 2.

## SECTION IV

### ACCESS TO THE MARKET

#### *Article 6*

##### **International regular and special regular services subject to authorisation**

1. Regular services shall be open to all, subject, where appropriate, to compulsory reservation.
2. Regular and special regular services shall be subject to authorisation in accordance with Section VI.
3. The regular nature of the service shall not be affected by any adjustment to the service operating conditions.
4. 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.
5. In compliance with the applicable rules on competition, a Contracting Party or European Union Member State may decide, on a case-by-case basis, without discrimination, that international regular and special regular road passenger services with the origin or destination on its territory are subject to partnership arrangements between operators established in the Contracting Party or Union Member State of the origin and destination of that service.

Operators established in the Contracting Parties and Union Member States that are crossed *en route* of the service and where passengers are picked up and set down may join such partnerships, if they so decide.

Contracting Parties and Union Member States concerned shall inform the Joint Committee established in Article 18 of this Protocol of any such decisions taken with their justifications.

6. In compliance with the applicable rules on competition, operators may, on a voluntary basis, form partnerships for the purposes of performing regular or special regular services. May participate in those partnerships:
  - operators established in the Contracting Parties or a Union Member State of the origin or destination of the service;
  - operators established in the Contracting Parties and Union Member States that are crossed *en route* of the service and where passengers are picked up and set down.

## SECTION V

### SOCIAL, CUSTOM AND FISCAL PROVISIONS

## *Article 7*

Section V (social provisions) and Section VI (custom and fiscal provisions) of the Interbus Agreement shall apply to this Protocol.

## **SECTION VI**

### **AUTHORISATION FOR INTERNATIONAL REGULAR AND SPECIAL REGULAR SERVICES**

## *Article 8*

### **Nature of authorisation**

1. Authorisations for international regular and special regular passenger services shall be issued by the competent authority of the Contracting Party in whose territory the transport operator is established (hereinafter the 'authorising authority').

2. In the case of an operator established in the European Union, the authorising authority shall be the competent authority of the Member State of origin or destination.

3. In the case of a group of operators intending to operate an international regular or special regular services and in the case of a partnership between undertakings (operators) from at least two Contracting Parties in whose territory passengers are picked up and set down, the authorising authority shall be the competent authority to which the application is addressed in accordance with the second subparagraph of Article 9(1).

4. Authorisations shall be issued in the name of the operator and shall be non-transferable. However, an operator who has received an authorisation may, with the consent of the authorising authority, operate the service through a subcontractor, if such a possibility is in line with the law of the Contracting Party. In this case, the name of the subcontractor and its role shall be indicated in the authorisation. The subcontractor shall satisfy the conditions referred to in Articles 1, 4, 5 and, as regards social provisions, in Article 7, as well as in Annexes 1 and 2.

In the case of a group of operators intending to operate international regular or special regular services, the authorisation shall be issued in the names of all the undertakings of the group and shall state the names of all the operators. It shall be given to the undertaking entrusted by the other operators for these purposes and which has requested it, and certified true copies shall be given to the other undertakings.

In the case of a partnership, originals of the authorisation shall be issued to each partner undertaking, stating each undertaking's name in the authorisation.

In cases where international regular or special regular services are carried out by a group or a partnership, as referred to in the second and third subparagraphs, the decision on the actual split of traffic performances between participating operators shall be left to the discretion of the operators themselves.

5. The period of validity of an authorisation shall not exceed 5 years. It may be set for a shorter period either at the request of the applicant or by mutual consent of the competent authorities of the Contracting Parties on whose territories passengers are picked up or set down.

6. 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.

7. Authorisations shall conform to the model set out in Annex 4.

8. Subject to Article 1(2), authorisations shall entitle their holder(s) to operate international regular and/or special regular services in the territories of all Contracting Parties over which the routes of the service pass.

9. The operator of a regular or special 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 6.

In this case, in addition to the documents referred to in Article 15, the operator shall ensure that a copy of the contract between the operator of the international regular or special regular service and the undertaking providing the additional vehicles or an equivalent document is carried in the vehicle and presented at the request of any authorised inspecting officer.

#### *Article 9*

### **Submission of application for authorisation for international regular and special regular services**

1. Applications for authorisation of international regular and special regular services shall be submitted by the operator to its competent authorising authority.

For each service, only one application shall be submitted. In the cases referred to in Article 8(3), it shall be submitted by the operator entrusted by the other operators for these purposes.

The application shall be addressed to the authorising authority of the Contracting Party in which the operator submitting it is established.

2. Applications for authorisation shall be submitted on the basis of the model set out in Annex 3.

3. Persons applying for authorisation shall provide any further information which they consider relevant or which is requested by the authorising authority, in particular the documents listed in Annex 3.

#### *Article 10*

### **Authorisation procedure**

1. Authorisations shall be issued in agreement with the competent authorities of all the Contracting Parties in whose territories passengers are picked up or set down. The authorising authority shall forward to such authorities, as well as to the competent authorities of Contracting Parties whose territories are crossed without passengers being picked up or set down, a copy of the application, together with copies of any other relevant documentation, and its assessment.

In respect of the European Union, the competent authorities referred to in the first subparagraph shall be those of the Member States in whose territories passengers are picked up or set down and whose territories are crossed without passengers being picked up or set down.

2. The competent authorities of the Contracting Parties whose agreement has been requested shall notify the authorising authority of their decision on the application within 4 months. This time limit shall be calculated from the date of receipt of the request for agreement which is shown in the acknowledgement of receipt. If the decision received from the competent authorities of the Contracting Party whose agreement has been requested is negative, it shall contain a proper statement of reasons. If the authorising authority does not receive a reply within 4 months, the authorities consulted shall be deemed to have given their agreement and the authorising authority may grant the authorisation.

The authorities of the Contracting Parties whose territories are crossed without passengers being picked up or set down may notify the authorising authority of their comments within the time limit laid down in the first subparagraph.

3. The authorising authority shall take a decision on the application no later than 6 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 a Contracting Party's 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) a Contracting Party decides on the basis of a detailed analysis that the service concerned would seriously affect the viability of a comparable service covered by one or more public service contracts conforming to the Contracting Party's law on the direct sections concerned. In such a case, the Contracting Party shall set up criteria, on a non-discriminatory basis, for determining whether the service applied for would seriously affect the viability of the abovementioned comparable service and shall communicate them to the other Contracting Parties referred to in Article 10(1);
- (e) a Contracting Party decides on the basis of a detailed analysis that the principal purpose of the service is not to carry passengers between stops located in different Contracting Parties.

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 a Contracting Party's law on the direct sections concerned, due to exceptional reasons which could not have been foreseen at the time of granting the authorisation, a Contracting Party may, with the agreement of the other Contracting Parties referred to in Article 10(1), 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 and the competent authorities of all the Contracting Parties involved in the procedure to reach the agreement provided for in paragraph 1 may refuse applications only on the basis of reasons provided for in this Protocol.

6. Having completed the procedure laid down in paragraphs 1 to 5, the authorising authority shall grant the authorisation or formally refuse the application.

Decisions rejecting an application shall state the reasons on which they are based. Contracting Parties shall ensure that transport undertakings are given the opportunity to make representations in the event of their application being rejected.

The authorising authority shall inform all the authorities referred to in paragraph 1 of its decision, sending them a copy of any authorisation.

## Article 11

### **Renewal and alteration of authorisation**

1. Article 10 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.
2. In the event of a minor alteration to the operating conditions, in particular adjustment of intervals, fares and timetables, the authorising authority need only supply the other Contracting Parties concerned with information relating to the alteration. Changing the timetables or intervals in a manner that affects the timing of controls at the borders between the Contracting Parties or at third-country borders shall not be considered a minor alteration.
3. The Contracting Parties concerned may agree that the authorising authority alone shall decide on alterations to the conditions under which a service is operated.

## Article 12

### **Lapse of an authorisation**

1. An authorisation for an international regular and special 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. The authorising authority shall inform the competent authorities of the other Contracting Parties concerned that the authorisation has lapsed.
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 13

### **Obligations of transport operators**

1. Save in the event of *force majeure*, the operator of an international regular or special regular service shall launch the service without delay and, 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 conditions laid down in Article 8(6).
2. The operator 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. It shall be possible for the Contracting Parties concerned, by common agreement and in agreement with the holder of the authorisation, to make changes to the operating conditions governing an international regular or special regular service.

## SECTION VII

### PROVISIONS INTENDED TO ENSURE COMPLIANCE WITH THIS PROTOCOL

#### *Article 14*

The competent authorities of the Contracting Parties shall ensure that transport operators comply with the provisions of this Protocol.

#### *Article 15*

1. Without prejudice to Article 8(9), the authorisation or a certified true copy thereof to carry out international regular or special regular services and the operator's licence of the operator or a certified true copy thereof for the international carriage of passengers by road provided for according to national or European Union legislation shall be kept on the coach or bus and shall be presented at the request of any authorised inspecting officer.

2. Without prejudice to paragraph 1 as well as to Article 8(9), in the case of a special regular service, the contract between the organiser and the transport operator or a copy thereof as well as a document evidencing that the passengers constitute a specific category to the exclusion of other passengers for the purposes of a special regular service shall also serve as control documents, shall be kept in the vehicle and shall be presented at the request of any authorised inspecting officer.

## SECTION VIII

### GENERAL AND FINAL PROVISIONS

#### *Article 16*

##### **Duration of the Protocol – Evaluation of the functioning of the Protocol**

1. This Protocol shall be concluded for a period of five years, dating from its entry into force.
2. The duration of this Protocol shall be automatically extended for successive periods of five years among those Contracting Parties who do not express their wish not to do so. In the latter case the Contracting Party concerned shall notify the Depositary of its intention according to Article 31 of the Interbus Agreement.
3. Before the end of each period of five years, the Joint Committee referred to in Article 18 of this Protocol shall evaluate the functioning of this Protocol, preferably together with the evaluation of the Interbus Agreement itself.

#### *Article 17*

##### **Bilateral agreements, ratification or approval and Depositary of the Protocol, entry into force of the Protocol, denunciation and languages**

1. The provisions of Articles 25, 27, 28, 31 and 34 of the Interbus Agreement shall apply *mutatis mutandis* to this Protocol.

2. The provisions of this Protocol shall replace those relevant provisions of the agreements concluded between the Contracting Parties and between Contracting Parties and Union Member States.

However, notwithstanding Article 25 of the Interbus Agreement, the relevant provisions of existing agreements between the Contracting Parties and between the Contracting Parties and Union Member States may be maintained for a period of five years referred to in Article 8(5) calculated from the entry into force of this Protocol for the Contracting Parties concerned.

#### *Article 18*

##### **Joint Committee**

1. In order to facilitate the management of this Protocol, a Joint Committee is hereby established. This Committee shall be made up of representatives of the Contracting Parties.

2. Articles 23 and 24 of the Interbus Agreement shall apply *mutatis mutandis*.

#### *Article 19*

##### **Accession of a non-Union Contracting Party to the European Union**

1. The Joint Committee referred to in Article 18 shall be informed of any request made by a Contracting Party or any third State to become a member of the European Union.

2. The Contracting Parties shall be notified by the European Union of any accession to the Union by a Contracting Party.

3. A Contracting Party to this Protocol that has acceded to the European Union shall be treated as a Member State of the European Union and not as a separate Contracting Party to this Protocol from the date of such accession.

4. The Contracting Parties shall examine in the context of the Joint Committee the effect of such accession on this Protocol. The Joint Committee shall decide on any necessary adjustment or transition measures in this regard.

## Article 20

### Signature

1. This Protocol shall be open for signature at Brussels from [ADD DATES: THE DATE OF THE ADOPTION OF THE COUNCIL DECISION TO A DATE 9 MONTHS THEREAFTER], at the General Secretariat of the Council of the European Union which shall act as the Depository of the Protocol.

2. A Signatory may not sign, accede to or ratify this Protocol unless it has previously signed and acceded to or ratified the Interbus Agreement. Instruments of signature, accession or ratification shall be deposited with the Depository, who shall inform the other Contracting Parties thereof.

## Article 21

### Accession

After the entry into force of this Protocol, any Contracting Party to the Interbus Agreement may accede also to this Protocol.

Article 30(3) and (4) of the Interbus Agreement shall apply *mutatis mutandis*.

## Article 22

### Annexes

Annexes to this Protocol shall constitute an integral part thereto.

Done at Brussels,

IN WITNESS WHEREOF the undersigned plenipotentiaries have signed this Protocol.

Open for signature in Brussels between [ADD DATES: THE DATE OF THE ADOPTION OF THE COUNCIL DECISION AND A DATE 9 MONTHS THEREAFTER]

Ouvert à la signature à Bruxelles entre le [ADD DATES: THE DATE OF THE ADOPTION OF THE COUNCIL DECISION ET A DATE 9 MONTHS THEREAFTER]

Liegt zwischen dem [ADD DATES: THE DATE OF THE ADOPTION OF THE COUNCIL DECISION UND A DATE 9 MONTHS THEREAFTER] in Brüssel zur Unterzeichnung auf

For the European Union

Pour la Union européenne

Für die Europäische Union

For the Republic of Albania

Pour la République d'Albanie

Für die Republik Albanien

For Bosnia and Herzegovina

Pour Bosnie et Herzégovine  
Für Bosnien und Herzegowina  
For the former Yugoslav Republic of Macedonia  
Pour l'ancienne République yougoslave de Macédoine  
Für die ehemalige jugoslawische Republik Mazedonien  
For the Republic of Moldova  
Pour la République de Moldova  
Für die Republik Moldau  
For Montenegro  
Pour Monténégro  
Für Montenegro  
For the Republic of Turkey  
Pour la République de Turquie  
Für die Republik Türkei  
For Ukraine  
Pour l'Ukraine  
Für Ukraine

## **ANNEX 1**

### **The conditions applying to road passenger transport operators**

Annex 1 to the Interbus Agreement shall apply to this Protocol subject to the following:

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 and repealing Council Directive 96/26/EC (OJ L 300, 14.11.2009, p. 51), as last amended by Council Regulation (EU) No 517/2013 of 13 May 2013 (OJ L 158, 10.6.2013, p. 1) shall apply to this Protocol with the exclusion of Articles 16(5) to (7), as well as Articles 18 to 21, 23 and 25 to 28. The rights and obligations of the European Union Member States shall apply *mutatis mutandis* to the Contracting Parties.

Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 (OJ L 55, 28.2.2011, p. 1) shall apply to this Protocol with the exclusion of Article 3(a) and (b), the last two sentences of Article 12, Articles 18, Article 28(2), Articles 29 and 30, the last sentence of Article 31, and Article 32. The rights and obligations of the European Union Member States shall apply *mutatis mutandis* to the Contracting Parties.

## **ANNEX 2**

### **Technical standards applying to buses and coaches**

Annex 2 to the Interbus Agreement shall apply to this Protocol.



**ANNEX 3**

**Model of application for an authorisation for an international regular and special regular service**

(White paper – DIN A4)

(To be worded in the official language(s) or one of the official languages of the Contracting Party where the request is made)

**APPLICATION FORM FOR AN AUTHORISATION OR RENEWAL OF AN AUTHORISATION TO CARRY OUT AN INTERNATIONAL REGULAR SERVICE OR AN INTERNATIONAL SPECIAL REGULAR SERVICE <sup>(1)</sup>**

- To start a regular service
- To start a special regular service
- To renew authorisation for a service
- To alter the conditions of authorisation for a service

carried out by coach and bus between Contracting Parties in accordance with the Protocol on the international regular and special regular carriage of passengers by coach and bus to the Agreement on the international occasional carriage of passengers by coach and bus (Interbus Agreement).

.....  
(Authorising authority)

1. Name and first name or trade name of the applicant operator; in the case of an application by a group of operators or by a partnership, the name of the operator entrusted by the other operators for the purposes of submitting the application:

.....  
.....

2. Services to be carried out <sup>(1)</sup>

By an operator  by a group of operators  by a partnership  by a subcontractor

3. Names and addresses of the operator or, in the case of a group of operators or of a partnership, the names of all operators of the group or of the partnership; in addition, any subcontractors shall be identified by their names <sup>(2)</sup>

- 3.1. .... tel. ....
- 3.2. .... tel. ....
- 3.3. .... tel. ....
- 3.4. .... tel. ....

<sup>1</sup> Tick or complete as appropriate.  
<sup>2</sup> Attach list if applicable.

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

4. In the case of a special regular service:
- 4.1. Category of passengers: <sup>(3)</sup> workers  school pupils/students  other
5. Duration of authorisation requested or date on which the service ends:  
.....
6. Principal route of service (underline passenger pick-up and set-down points, with full addresses): <sup>(4)</sup>  
.....  
.....  
.....
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 international rules on driving times and rest time periods.
11. Number of authorisations or of certified true copies of authorisations requested: ( <sup>5</sup> )  
.....
12. Any additional information:  
.....

(Place and date) (Signature of applicant)  
.....

The attention of the applicant is drawn to the fact that, since the authorisation or its certified true copy has to be kept on board the vehicle, the number of authorisations or certified true copies, issued by the authorising authority, which the applicant must have should correspond to the number of vehicles needed for carrying out the service requested at the same time.

**Important notice**

In particular the following must be attached to the application:

- (a) the timetable including the time slots for controls at relevant border crossings;
- (b) a certified true copy of the operator's (or operators') licence(s) for the international carriage of passengers by road provided for according to national or Union legislation;
- (c) 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;

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<sup>3</sup> Tick or complete as appropriate.

<sup>4</sup> The authorising authority may request a full list of passenger pick-up and set-down points with full addresses to be attached separately to this application form.

<sup>5</sup> Complete as appropriate.

- (d) a driving schedule to permit verification of compliance with the international rules on driving times and rest periods;
- (e) any appropriate information concerning coach and bus terminals.

**ANNEX 4**

**Model of authorisation for an international regular and special regular service**

(First page of authorisation)

(Orange paper – DIN A4)

(To be worded in the official language(s) or one of the official languages of the Contracting Party where the request is made)

**Authorisation**

In accordance with the Protocol on the international regular and special regular carriage of passengers by coach and bus, between Contracting Parties, to the Agreement on the international occasional carriage of passengers by coach and bus (Interbus Agreement).

ISSUING STATE: .....

Authorising authority: .....

Contracting Party's distinguishing sign: ..... <sup>(1)</sup>

**AUTHORISATION No.:** .....

for a regular service  <sup>(2)</sup>

for a special regular service  <sup>(2)</sup>

by coach and bus between Contracting Parties of the Protocol on the international regular and special regular carriage of passengers by coach and bus (Protocol to the Interbus Agreement)

To: .....

.....  
Last name, first name or trade name of the operator or of the managing operator in the case of a group of undertakings or in the case of a partnership:

Address: .....

Telephone and fax or e-mail: .....

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<sup>1</sup> Albania (AL), Austria (A), Belgium (B), Bosnia and Herzegovina (BIH), Bulgaria (BG), Cyprus (CY), Croatia (HR), Czech Republic (CZ), Denmark (DK), Estonia (EST), Finland (FIN), France (F), Germany (D), Greece (GR), Hungary (H), Ireland (IRL), Italy (I), Latvia (LV), Lithuania (LT), Luxembourg (L), the former Yugoslav Republic of Macedonia (MK), Malta (MT), Republic of Moldova (MD), Montenegro (ME), Netherlands (NL), Poland (PL), Portugal (P), Romania (RO), Slovak Republic (SK), Slovenia (SLO), Spain (E), Sweden (S), Turkey (TR), Ukraine (UA), United Kingdom (UK), to be completed.

<sup>2</sup> Tick or complete as appropriate.

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Name, address, telephone and fax or e-mails of the operator, or, in the case of groups of operators or partnerships, the names of all operators of the group or of the partnership; in addition, names of any subcontractors, to be identified as such:

- (1) .....
- (2) .....
- (3) .....
- (4) .....
- (5) .....

List attached, if appropriate

Validity of the authorisation: From: ..... To: .....

Place and date of issue: .....

Signature and stamp of the issuing authority or agency: .....

1. Route: .....

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(a) Place of departure of service: .....

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(b) Place of destination of service: .....

.....

Principal itinerary, with passenger pick-up and set-down points underlined: .....

.....

2. Timetable: .....

(attached to this authorisation)

3. Special regular service:

(a) Category of passengers: .....

.....

4. Other conditions or special points .....

.....

.....

Stamp of authority issuing the authorisation

**Important notice:**

- (1) This authorisation is valid for the entire journey.
- (2) The authorisation or a true copy certified by the issuing authorising authority shall be kept on the vehicle for the duration of the journey and shall be presented to enforcement officials on request.
- (3) The departure or destination shall take place in the territory of the Contracting Party where the operator is established and the coaches and buses registered.

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#### GENERAL CONSIDERATIONS

- (1) The transport operator shall begin the transport service within the period indicated in the decision of the authorising authority granting the authorisation.
- (2) Except in the event of *force majeure*, the operator of an international regular or special regular service shall take all measures to guarantee a transport service that complies with the conditions as stipulated in the authorisation.
- (3) The operator shall make the information about the route, the stopping points, the timetable, the fares and the conditions of transport publicly available.
- (4) It shall be possible for the competent authorities of the Contracting Parties concerned, by common agreement and in agreement with the holder of the authorisation, to make changes to the operating conditions governing an international regular and special regular service.
- (5) Without prejudice to documents pertaining to the vehicle and driver (such as the vehicle registration certificate and driving licence), the following documents shall serve as control documents under this Protocol and shall be kept in the vehicle and presented at the request of any authorised inspecting officer:
  - the authorisation or a certified true copy thereof to carry out international regular or special regular services ;
  - the operator's licence or a certified true copy thereof for the international carriage of passengers by road provided for according to national or European Union legislation;
  - when operating an international special regular service, the contract between the organiser and the transport operator or a certified true copy thereof as well as a document evidencing that the passengers constitute a specific category to the exclusion of other passengers for the purposes of a special regular service.
  - when the operator of a regular or special regular service uses additional vehicles to deal with temporary and exceptional situations, in addition to the relevant documents mentioned above, a copy of the contract between the operator of the international regular or special regular service and the undertaking providing the additional vehicles or an equivalent document.

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GENERAL CONSIDERATIONS (cont.)

- (6) Operators operating an international regular service, with the exclusion of special regular service, shall issue transport tickets confirming the rights of the passenger to be transported and serving as a control document evidencing of the conclusion of the contract of carriage between the passenger and the transport operator, either individual or collective. The tickets that can also be electronic shall indicate:
- (a) the name of the operator;
  - (b) the points of departure and destination and, if applicable, the return journey;
  - (c) the period of validity of the ticket and, if applicable, the date and time of departure;
  - (d) the price of transport.

The transport ticket shall be presented, by the passenger, at the request of any authorised inspection officer.

- (7) Operators operating international regular or special regular passenger transport services shall allow all inspections intended to ensure that operations are being conducted correctly, in particular as regards driving and rest periods and road safety and emissions.