Commission Regulation (EU) No 361/2014 of 9 April 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 (Text with EEA relevance)

COMMISSION REGULATION (EU) No 361/2014

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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[(1)], and in particular Article 5(3) and (5), Article 6(4), Article 7(2), Article 12(5) and Article 28(3) thereof,

Whereas:

(1) Article 5 of Regulation (EC) No 1073/2009 provides that regular services and certain special regular services are to be subject to authorisation;

(2) Article 12(1) of that Regulation states that the occasional services defined in Article 2(4) are to be carried out under cover of a control document;

(3) Article 5(5) of that Regulation lays down that the own-account transport operations defined in Article 2(5) are to be subject to a system of certificates;

(4) Rules governing the use of the control documents referred to in Article 12 of that Regulation and the means of communicating to the Member States concerned the names of the carriers performing the occasional services and the connection points on route need to be established;

(5) It is necessary to standardise, for reasons of simplicity, the journey form for international occasional services and for cabotage operations in the form of occasional services;

(6) The journey form used as a control document in the framework of cabotage operations in the form of special regular services should be filled out in the form of a monthly statement;

(7) It is necessary to standardise the forms for the communication by the Member States to the Commission of the statistical information related to the number of authorisations for regular services as well as cabotage operations;

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EU) No 361/2014. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(8) For reasons of transparency and simplicity, all the model documents adopted in Regulation (EC) No 2121/98 of 2 October 1998 laying down detailed rules for the application of Council Regulations (EEC) No 684/92 and (EC) No 12/98 as regards documents for the carriage of passengers by coach and bus[(2)] should be adapted to Regulation (EC) No 1073/2009 applicable to international coach and bus services;

(9) Regulation (EC) No 2121/98 should therefore be repealed;

(10) Member States need time to have the new documents printed and distributed. Therefore in the meantime carriers should be able to continue to use the documents provided for in Regulation (EC) No 2121/98, which should specify that they take account of the provisions of Regulation (EC) No 1073/2009;

(11) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Road Transport.

HAS ADOPTED THIS REGULATION:

SECTION I

CONTROL DOCUMENT

Article 1

1 The control document (journey form) for the occasional services defined in Article 2(4) of Regulation (EC) No 1073/2009 shall conform to the model in Annex I to this Regulation.

2 The journey forms shall be in books of 25 forms, in duplicate, and detachable. Each book shall bear a number. The forms shall also be numbered from 1 to 25. The cover of the book shall conform to the model in Annex II. Member States shall take all necessary measures to adapt these requirements to computerised processing of journey forms.

Article 2

1 The book referred to in Article 1 shall be made out in the name of the carrier and it shall not be transferable.

2 The journey form shall be filled out legibly in indelible letters, in duplicate, either by the carrier or by the driver for each journey prior to departure. It shall be valid for the entire journey.

3 The top copy of the detached journey form shall be kept on the vehicle during the whole of the journey to which it refers. A copy shall be kept at the company's base.

4 The carrier shall be responsible for keeping the journey forms.

Article 3

In the case of an international occasional service provided by a group of carriers acting on behalf of the same contractor, and which may include the travellers catching a connection en route with a different carrier of the same group, the original of the journey form shall be kept on the vehicle carrying out the service. A copy of the journey form shall be kept at the base of each carrier.

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Article 4

1 Copies of the journey forms used as control documents for cabotage operations in the form of occasional services pursuant to Article 15(b) of Regulation (EC) No 1073/2009 shall be returned by the carrier to the competent authority or agency in the Member State of establishment in accordance with procedures to be laid down by that authority or agency.

2 In the case of cabotage operations in the form of special regular services pursuant to Article 15(a) of Regulation (EC) No 1073/2009, the journey form in Annex I to this Regulation shall be completed in the form of a monthly statement and returned by the carrier to the competent authority or agency in the Member State of establishment in accordance with procedures to be laid down by that authority or agency.

Article 5

The journey form shall enable the holder, in the course of an international occasional service, to carry out local excursions in a Member State other than that in which the carrier is established, in accordance with the conditions laid down in the second subparagraph of Article 13 of Regulation (EC) No 1073/2009. The local excursions shall be entered on the journey forms before the departure of the vehicle on the excursion concerned. The original of the journey form shall be kept on board the vehicle for the duration of the local excursion.

Article 6

The control document shall be presented at the request of any authorised inspecting officer.

SECTION II

AUTHORISATIONS

Article 7

1 Applications for authorisation of regular services and special regular services subject to authorisation shall conform to the model in Annex III.

2 Applications for authorisation shall contain the following information:

a the timetable;

b fare scales;

c a certified true copy of the Community licence for the international carriage of passengers by coach and bus for hire or reward provided for in Article 4 of Regulation (EC) No 1073/2009;

d information concerning the type and volume of the service which the applicant plans to provide in the case of an application to create a service, or which has been provided in the case of an application for renewal of an authorisation;

e a map on an appropriate scale on which are marked the route and stopping points where passengers are to be taken up or set down;

f a driving schedule to permit verification of compliance with the Union legislation on driving time and rest periods.

3 Applicants shall provide any further information which they consider relevant or which is requested by the issuing authority in support of the application.

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Article 8

1 Authorisations shall conform to the model in Annex IV.

2 Each vehicle carrying out a service subject to authorisation shall have on board an authorisation or a copy certified by the issuing authority.

3 Authorisations shall be valid for a maximum of five years.

SECTION III

CERTIFICATES

Article 9

1 Certificates for the own-account transport operations defined in Article 2(5) of Regulation (EC) No 1073/2009 shall conform to the model in Annex V to this Regulation.

2 Undertakings requesting a certificate shall provide the issuing authority with evidence or an assurance that the conditions laid down in Article 2(5) of Regulation (EC) No 1073/2009 have been met.

3 Each vehicle carrying out a service subject to a system of certificates shall carry on board for the duration of the journey a certificate or its certified true copy, which shall be presented at the request of any authorised inspecting officer.

4 Certificates shall be valid for a maximum of five years.

SECTION IV

COMMUNICATION OF STATISTICAL DATA

Article 10

The data on cabotage transport operations referred to in Article 28(2) of Regulation (EC) No 1073/2009 shall be communicated in in the form of a table in accordance with the model in Annex VI to this Regulation.

SECTION V

TRANSITIONAL AND FINAL PROVISIONS

Article 11

1 Member States may authorise the use of existing stocks of the journey forms, applications for authorisation, authorisations and certificates drawn up in conformity with Regulation (EC) No 2121/98 until 31 December 2015.

2 The other Member States shall accept the journey forms and the applications for authorisation on their territory until 31 December 2015.

3 The authorisations and certificates drawn up in conformity with Regulation (EC) No 2121/98 and issued before 31 December 2015 will remain valid until the date of their expiry.

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Article 12

Regulation (EC) No 2121/98 is repealed.

Article 13

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.