

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 (recast) (Text with EEA relevance)

CHAPTER I

**GENERAL PROVISIONS**

*Article 1*

**Scope**

1 This Regulation shall apply to the international carriage of passengers by coach and bus within the territory of the Community by carriers for hire or reward or by own-account carriers established in a Member State in accordance with its law, using vehicles which are registered in that Member State and are suitable and intended, by virtue of their construction and equipment, to carry more than nine persons, including the driver, and to the movement of such vehicles when empty in connection with such carriage.

A change of vehicle or an interruption of carriage to enable part of a journey to be made by another means of transport shall not affect the application of this Regulation.

2 In the event of carriage from a Member State to a third country and vice versa, this Regulation shall apply to the part of the journey on the territory of any Member State crossed in transit. It shall not apply to that part of the journey within the territory of the Member State of picking up or setting down, as long as the necessary agreement between the Community and the third country concerned has not been concluded.

3 Pending the conclusion of the agreements referred to in paragraph 2, this Regulation shall not affect provisions relating to the carriage from a Member State to a third country and vice-versa contained in bilateral agreements concluded between Member States and those third countries.

4 This Regulation shall apply to national road passenger services for hire or reward operated on a temporary basis by a non-resident carrier as provided for in Chapter V.

*Article 2*

**Definitions**

For the purposes of this Regulation, the following definitions shall apply:

1. 'international carriage' means:
  - (a) a journey undertaken by a vehicle the point of departure and the point of arrival of which are in two different Member States, with or without transit through one or more Member States or third countries;

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**Changes to legislation:** There are outstanding changes not yet made to Regulation (EC) No 1073/2009 of the European Parliament and of the Council. 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](#)

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- (b) a journey undertaken by a vehicle of which the point of departure and the point of arrival are in the same Member State, while the picking up or setting down of passengers is in another Member State or in a third country;
  - (c) a journey undertaken by a vehicle from a Member State to a third country or vice versa, with or without transit through one or more Member States or third countries; or
  - (d) a journey undertaken by a vehicle between third countries, with transit through the territory of one or more Member States;
2. 'regular services' means services which provide for the carriage of passengers at specified intervals along specified routes, passengers being picked up and set down at predetermined stopping points;
  3. 'special regular services' means regular services, by whomsoever organised, which provide for the carriage of specified categories of passengers to the exclusion of other passengers;
  4. 'occasional services' means services which do not fall within the definition of regular services, including special regular services, and the main characteristic of which is the carriage of groups of passengers constituted on the initiative of the customer or the carrier himself;
  5. 'own-account transport operations' means operations carried out for non-commercial and non-profit-making purposes by a natural or legal person, whereby:
    - the transport activity is only an ancillary activity for that natural or legal person, and
    - the vehicles used are the property of that natural or legal person or have been obtained by that person on deferred terms or have been the subject of a long-term leasing contract and are driven by a member of the staff of the natural or legal person or by the natural person himself or by personnel employed by, or put at the disposal of, the undertaking under a contractual obligation;
  6. 'host Member State' means a Member State in which a carrier operates other than the carrier's Member State of establishment;
  7. 'cabotage operations' means either:
    - national road passenger services for hire and reward carried out on a temporary basis by a carrier in a host Member State, or
    - the picking up and setting down of passengers within the same Member State, in the course of a regular international service, in compliance with the provisions of this Regulation, provided that it is not the principal purpose of the service;
  8. 'serious infringement of Community road transport legislation' means an infringement which may lead to the loss of good repute in accordance with Article 6(1) and (2) of Regulation (EC) No 1071/2009, and/or to the temporary or permanent withdrawal of a Community licence.

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### Article 3

#### Freedom to provide services

1 Any carrier for hire or reward referred to in Article 1 shall be permitted in accordance with this Regulation to carry out regular services, including special regular services and occasional services by coach and bus, without discrimination on grounds of nationality or place of establishment if he:

- a is authorised in the Member State of establishment to undertake carriage by means of regular services, including special regular services, or occasional services by coach and bus, in accordance with the market access conditions laid down by national legislation;
- b satisfies the conditions laid down in accordance with Community rules on admission to the occupation of road passenger transport operator in national and international transport operations; and
- c meets legal requirements regarding the standards for drivers and vehicles as laid down, in particular, in Council Directive 92/6/EEC of 10 February 1992 on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community<sup>(1)</sup>, Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic<sup>(2)</sup> and Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers<sup>(3)</sup>.

2 Any own-account carrier referred to in Article 1 shall be permitted to carry out the transport services pursuant to Article 5(5) without discrimination on grounds of nationality or place of establishment if he:

- a is authorised in the Member State of establishment to undertake carriage by coach and bus in accordance with the market-access conditions laid down in national legislation; and
- b meets legal requirements regarding the standards for drivers and vehicles as laid down, in particular, in Directives 92/6/EEC, 96/53/EC and 2003/59/EC.

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- (1) OJ L 57, 2.3.1992, p. 27.
- (2) OJ L 235, 17.9.1996, p. 59.
- (3) OJ L 226, 10.9.2003, p. 4.

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### Changes and effects yet to be applied to the whole legislation item and associated provisions

- Signature words omitted by S.I. 2019/741 reg. 5(22)
- Annex 1 omitted by S.I. 2019/741 reg. 5(23)
- Annex 2 omitted by S.I. 2019/741 reg. 5(23)
- Art. 2(1)(a) words inserted by S.I. 2019/741 reg. 5(3)(a)(i)
- Art. 2(1)(b) words inserted by S.I. 2019/741 reg. 5(3)(a)(iii)(aa)
- Art. 2(1)(b) words inserted by S.I. 2019/741 reg. 5(3)(a)(iii)(bb)
- Art. 2(1)(c) word omitted by S.I. 2019/741 reg. 5(3)(a)(iv)(bb)
- Art. 2(1)(c) words inserted by S.I. 2019/741 reg. 5(3)(a)(iv)(aa)
- Art. 2(1)(d) words inserted by S.I. 2019/741 reg. 5(3)(a)(vi)
- Art. 2(1)(aa) inserted by S.I. 2019/741 reg. 5(3)(a)(ii)
- Art. 2(1)(cc) inserted by S.I. 2019/741 reg. 5(3)(a)(v)
- Art. 2(6) omitted by S.I. 2019/741 reg. 5(3)(b)
- Art. 2(7) word inserted by S.I. 2019/741 reg. 5(3)(c)(i)(cc)
- Art. 2(7) word omitted by S.I. 2019/741 reg. 5(3)(c)(i)(aa)
- Art. 2(7) word omitted by S.I. 2019/741 reg. 5(3)(c)(i)(dd)
- Art. 2(7) words inserted by S.I. 2019/741 reg. 5(3)(c)(i)(bb)
- Art. 2(7) words substituted by S.I. 2019/741 reg. 5(3)(c)(ii)
- Art. 2(8) words inserted by S.I. 2019/741 reg. 5(3)(d)
- Art. 2(9)-(11) inserted by S.I. 2019/741 reg. 5(3)(e)
- Art. 3(1)(a) word substituted by S.I. 2019/741 reg. 5(4)(a)(ii)(aa)
- Art. 3(1)(a) words inserted by S.I. 2019/741 reg. 5(4)(a)(ii)(bb)
- Art. 3(1)(c) words inserted by S.I. 2019/741 reg. 5(4)(a)(iii)
- Art. 3(2)(a) word substituted by S.I. 2019/741 reg. 5(4)(b)(i)(aa)
- Art. 3(2)(a) words inserted by S.I. 2019/741 reg. 5(4)(b)(i)(bb)
- Art. 3(2)(b) words inserted by S.I. 2019/741 reg. 5(4)(b)(ii)
- Art. 8(4)(b) words inserted by S.I. 2019/741 reg. 5(9)(b)(i)
- Art. 8(4)(d) words inserted by S.I. 2019/741 reg. 5(9)(b)(ii)(bb)
- Art. 8(4)(d) words omitted by S.I. 2019/741 reg. 5(9)(b)(ii)(dd)
- Art. 8(4)(d) words substituted by S.I. 2019/741 reg. 5(9)(b)(ii)(aa)
- Art. 8(4)(d) words substituted by S.I. 2019/741 reg. 5(9)(b)(ii)(cc)
- Art. 8(4)(e) word substituted by S.I. 2019/741 reg. 5(9)(b)(iii)(cc)
- Art. 8(4)(e) words substituted by S.I. 2019/741 reg. 5(9)(b)(iii)(aa)
- Art. 8(4)(e) words substituted by S.I. 2019/741 reg. 5(9)(b)(iii)(bb)
- Art. 15(c) words substituted by S.I. 2019/741 reg. 5(15)