

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 II

### COMMUNITY LICENCE AND MARKET ACCESS

#### *Article 4*

#### **Community licence**

1 International carriage of passengers by coach and bus shall be carried out subject to possession of a Community licence issued by the competent authorities of the Member State of establishment.

2 The competent authorities of the Member State of establishment shall issue the holder with the original of the Community licence, which shall be kept by the carrier, and the number of certified true copies thereof corresponding to the number of vehicles used for the international carriage of passengers at the disposal of the holder of the Community licence, whether those vehicles are wholly owned, or held in another form, particularly under an instalment-purchase, hire or leasing contract.

The Community licence and the certified true copies thereof shall correspond to the model set out in Annex II. They shall contain at least two of the security features listed in Annex I.

The Commission shall adapt Annexes I and II to technical progress. Those measures, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 26(2).

The Community licence and the certified true copies thereof shall bear the seal of the issuing authority as well as a signature and a serial number. The serial numbers of the Community licence and the certified true copies thereof shall be recorded in the national electronic register of road transport undertakings provided for in Article 16 of Regulation (EC) No 1071/2009 as part of the data relating to the carrier.

3 The Community licence shall be issued in the name of the carrier and shall be non-transferable. A certified true copy of the Community licence shall be kept in each of the carrier's vehicles and shall be presented at the request of any authorised inspecting officer.

4 The Community licence shall be issued for renewable periods of up to 10 years.

Community licences and certified true copies thereof issued before the date of application of this Regulation shall remain valid until their date of expiry.

5 Whenever an application for a Community licence is lodged, or a Community licence is renewed in accordance with paragraph 4 of this Article, the competent authorities of the Member State of establishment shall verify whether the carrier satisfies or continues to satisfy the conditions laid down in Article 3(1).

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*Status: Point in time view as at 31/01/2020.*

*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)*

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6 Where the conditions referred to in Article 3(1) are not satisfied, the competent authorities of the Member State of establishment shall refuse to issue or renew or shall withdraw a Community licence by means of a reasoned decision.

7 Member States shall guarantee the right of the applicant for, or holder of, a Community licence to appeal against a decision by the competent authorities of the Member State of establishment to refuse or withdraw this licence.

8 Member States may decide that the Community licence shall also be valid for national transport operations.

### *Article 5*

#### **Access to the market**

1 Regular services shall be open to all, subject, where appropriate, to compulsory reservation.

Such services shall be subject to authorisation in accordance with the provisions of Chapter III.

Regular services from a Member State to a third country and vice versa shall be subject to authorisation in accordance with the bilateral agreement between the Member State and the third country and, where appropriate, the transited Member State, as long as the necessary agreement between the Community and the third country concerned has not been concluded.

The regular nature of the service shall not be affected by any adjustment to the service operating conditions.

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.

[<sup>X12</sup> Special regular services shall include in particular:

- a the carriage of workers between home and work;
- b the carriage of school pupils and students to and from the educational institution.

The fact that a special service may be varied according to the needs of users shall not affect its classification as a regular service.

Special regular services shall not be subject to authorisation in accordance with Chapter III where they are covered by a contract concluded between the organiser and the carrier.]

3 Occasional services shall not require authorisation in accordance with Chapter III.

However, the organisation of parallel or temporary services comparable to existing regular services and serving the same public as the latter shall be subject to authorisation in accordance with the procedure laid down in Chapter III.

Occasional services shall not cease to be occasional services solely on the grounds that they are provided at certain intervals.

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Occasional services may be provided by a group of carriers acting on behalf of the same contractor, and travellers may catch a connection en route, with a different carrier of the same group, on the territory of a Member State.

The Commission shall establish the procedures for the names of such carriers and the connection points en route to be communicated to the competent authorities of the Member States concerned. Those measures, designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 26(2).

4 Empty journeys by vehicles in connection with the transport operations referred to in the third subparagraph of paragraph 2, and in the first subparagraph of paragraph 3, shall likewise not require authorisation.

5 Own-account transport operations shall be exempt from any system of authorisation but shall be subject to a system of certificates.

The certificates shall be issued by the competent authorities of the Member State in which the vehicle is registered and shall be valid for the entire journey including transit.

The Commission shall establish the format of the certificates. Those measures, designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 26(2).

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#### **Editorial Information**

- X1** Substituted by [Corrigendum 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 \(Official Journal of the European Union L 300 of 14 November 2009\)](#).

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