
STATUTORY INSTRUMENTS

2019 No. 741

The Common Rules for Access to the
International Market for Coach and Bus Services
(Amendment etc.) (EU Exit) Regulations 2019

PART 4

Amendment of retained direct EU legislation

Amendment of Regulation (EC) 1073/2009

5.—(1) Regulation (EC) No 1073/2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 is amended as follows.

(2) In Article 1 (scope)—

- (a) in paragraph 1, in the first subparagraph, for “within”, substitute “between the United Kingdom and”;
- (b) in paragraph 2—
 - (i) in the first sentence—
 - (aa) for “the”, the second time it occurs, substitute “any”;
 - (bb) for the words after “journey”, substitute “within the United Kingdom.”;
 - (ii) omit the second sentence;
- (c) omit paragraph 3;
- (d) in paragraph 4—
 - (i) omit “national”;
 - (ii) after “services”, insert “within the United Kingdom”;
 - (iii) omit “non-resident”;
 - (iv) after “carrier”, substitute “established in a Member State”.

(3) In Article 2 (definitions)—

- (a) in paragraph 1—
 - (i) in point (a), after “with”, insert “transit through the United Kingdom and with”
 - (ii) after point (a), insert—
 - “(aa) a journey undertaken by a vehicle the point of departure or the point of arrival of which is in the United Kingdom and the point of arrival or the point of departure of which is in a Member State, with or without transit through one or more Member States or third countries;”;
 - (iii) in point (b)—
 - (aa) after “in”, the first time it occurs, insert “the United Kingdom or”;

- (bb) after “in”, the second time it occurs, insert “the United Kingdom or”;
- (iv) in point (c)—
 - (aa) after “with”, insert “transit through the United Kingdom and with”;
 - (bb) omit “or”, the last time it occurs;
- (v) after point (c), insert—
 - “(cc) a journey undertaken by a vehicle from the United Kingdom to a third country or vice versa, with transit through one or more Member States and with or without transit through one or more Member States or third countries; or”;
- (vi) in point (d), after “through”, insert “the United Kingdom and”;
- (b) omit paragraph 6;
- (c) in paragraph 7—
 - (i) in the first indent—
 - (aa) omit “national”;
 - (bb) after “basis”, insert “in the United Kingdom”;
 - (cc) after “carrier”, insert “established”;
 - (dd) omit “host”;
 - (ii) in the second indent, for “the same”, substitute “the United Kingdom by a carrier established in a”;
- (d) in paragraph 8, after “infringement of”, insert “retained EU law relating to road transport or”;
- (e) after paragraph 8, insert—

“9. ‘EU Regulation 1073/2009’ means 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), as that Regulation has effect in EU law⁽¹⁾;

10. ‘EU Regulation 361/2014’ means Commission Regulation (EU) No 361/2014 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, as that Regulation has effect in EU law⁽²⁾;

11. ‘third country’ means a country other than the United Kingdom or a Member State.

Any reference in this Regulation to an EU instrument or to a particular provision of such an instrument:

- (a) is a reference to that instrument or provision as amended from time to time, and
- (b) if that instrument or provision is replaced, with or without modification, shall be construed as a reference to the instrument or provision replacing it.

The provisions of this Regulation shall, for the purposes of the EEA Agreement, be read with the following adaptations:

(1) OJNo. L300, 14.11.2009, p.88.
 (2) OJ No. L107, 10.4.2014, p.39.

- (a) The licences issued by Iceland, Liechtenstein and Norway in accordance with EU Regulation 1073/2009, as adapted in Appendix 4 to Annex XIII of the EEA Agreement, as that Annex has effect in EU law, shall be recognised.
 - (b) The text of Article 16(1)(e) shall be replaced by the following:
“VAT (value added tax) or turnover tax on transport services.””.
- (4) In Article 3 (freedom to provide services)—
 - (a) in paragraph 1—
 - (i) in the first subparagraph, after “services”, the first time it occurs, insert “between the United Kingdom and the territory of the Community”;
 - (ii) in point (a)—
 - (aa) for “national”, substitute “the”;
 - (bb) after “legislation”, insert “of that Member State”;
 - (iii) in point (c), after “goods or passengers”, insert “, as those Directives have effect in EU law”;
 - (b) in paragraph 2—
 - (i) in point (a)—
 - (aa) for “national”, substitute “the”;
 - (bb) after “legislation”, insert “of that Member State”;
 - (ii) in point (b), after “2003/59/EC”, insert “, as those Directives have effect in EU law”.
- (5) In Article 4 (community licence)—
 - (a) in paragraph 1—
 - (i) after “bus”, insert “by a carrier established in a Member State”;
 - (ii) after “out”, insert “within the United Kingdom”;
 - (iii) after “possession”, insert “by that carrier”;
 - (iv) after “establishment”, insert “in accordance with Article 4 of EU Regulation 1073/2009”;
 - (b) omit paragraph 2;
 - (c) in paragraph 3, omit the first sentence;
 - (d) omit paragraphs 4 to 8.
- (6) In Article 5 (access to the market)—
 - (a) in paragraph 1, in the third subparagraph—
 - (i) for “a Member State”, substitute “the United Kingdom”;
 - (ii) for “Member State”, the second time it occurs, substitute “United Kingdom”;
 - (iii) omit the words that follow “third country”, the second time they occur, to the end of the subparagraph;
 - (b) in paragraph 3—
 - (i) in the fourth subparagraph, for “on the territory of a Member State”, substitute “within the United Kingdom”;
 - (ii) omit the last subparagraph;
 - (c) for paragraph 5, substitute—

“5. Own-account transport operations by any vehicle which is registered in a Member State shall be exempt from authorisation but shall be carried out within the United Kingdom subject to possession of a certificate issued by the competent authorities of the Member State in which the vehicle is registered in accordance with Article 5(5) of EU Regulation 1073/2009 and Article 9 of EU Regulation 361/2014, which shall be valid for the entire journey including transit.”.

- (7) In Article 6 (nature of authorisation)—
- (a) in paragraph 1, in the first subparagraph—
 - (i) for “Member State in whose territory the point of departure is situated”, substitute “United Kingdom”;
 - (ii) omit the last sentence.
 - (b) in paragraph 2, in the second sentence—
 - (i) omit “mutual consent of”;
 - (ii) for “competent authorities”, substitute “authorising authority”;
 - (iii) omit “of the Member States on whose territory passengers are picked up or set down”;
 - (c) for paragraph 4, substitute—

“4. Authorisations shall be in the format prescribed by Article 8 of EU Regulation 361/2014.”;
 - (d) in paragraph 5, for “territories of all Member States”, substitute “areas of the United Kingdom”.
- (8) In Article 7 (submission of application for authorisation)—
- (a) for paragraph 2, substitute—

“2. Applications shall be in the format prescribed by Article 7 of EU Regulation 361/2014.”.
 - (b) in paragraph 3, for “Community legislation”, substitute “retained EU law”.
- (9) In Article 8 (authorising procedure)—
- (a) omit paragraphs 1 and 2;
 - (b) in paragraph 4, in the first subparagraph—
 - (i) in point (b), after “of”, the first time it occurs, insert “retained EU law relating to road transport or”;
 - (ii) in point (d)—
 - (aa) for “a Member State”, substitute “the authorising authority”;
 - (bb) after “analysis”, insert “and non-discriminatory criteria”;
 - (cc) for “Community”, substitute “retained EU”;
 - (dd) omit the last sentence;
 - (iii) in point (e)—
 - (aa) for “a Member State”, substitute “the authorising authority”;
 - (bb) for “different”, substitute “the United Kingdom and a”;
 - (cc) for “States”, substitute “State”;
 - (c) in paragraph 4, in the second subparagraph—
 - (i) for “Community”, substitute “retained EU”;

- (ii) for “a Member State”, substitute “the authorising authority”;
 - (iii) omit “, with the agreement of the Commission,”;
 - (d) in paragraph 5, omit “and the competent authorities of all the Member States involved in the procedure to reach the agreement provided for in paragraph 1”;
 - (e) in paragraph 6—
 - (i) in the first subparagraph, for “1”, substitute “3”;
 - (ii) in the second subparagraph, for the second sentence, substitute—

“Transport undertakings may make representations in the event of their application being refused.”;
 - (iii) omit the third subparagraph;
 - (f) omit paragraphs 7 to 9.
- (10) In Article 9 (renewal and alteration of authorisations), omit the second and third subparagraphs.
- (11) In Article 10 (lapse of an authorisation), omit paragraph 3.
- (12) In Article 11 (obligations of carriers)—
- (a) in paragraph 1, for “competent”, substitute “authorising”;
 - (b) in paragraph 3, for “Member State concerned, by common agreement and”, substitute “authorising authority”.
- (13) In Article 12 (control documents)—
- (a) for paragraph 1, substitute—

“**1.** With the exception of the services referred to in the second subparagraph of Article 5(3), occasional services by a carrier established in a Member State shall be carried out under cover of a journey form supplied by the competent authority of that Member State or a body appointed by that authority in accordance with Article 12 of EU Regulation 1073/2009 and Section I of EU Regulation 361/2014.”;
 - (b) omit paragraphs 4 and 5.
- (14) In Article 13 (local excursions)—
- (a) in the first subparagraph—
 - (i) after “carrier”, insert “established in a Member State”;
 - (ii) for “a Member State other than that in which it is established”, substitute “the United Kingdom”;
 - (b) in the second subparagraph—
 - (i) omit “non-resident”;
 - (ii) after “passengers”, insert “who are not resident within the United Kingdom and have been”.
- (15) In Article 15 (authorised cabotage operations), in point (c), for “host Member State”, substitute “United Kingdom”.
- (16) In Article 16 (rules applicable to cabotage operations)—
- (a) in paragraph 1—
 - (i) in the first subparagraph—
 - (aa) for “Community legislation”, substitute “retained EU law”;
 - (bb) for “the”, the third time it occurs, substitute “other”;

- (cc) for “host Member State”, substitute “United Kingdom”;
- (ii) omit the second subparagraph;
- (b) in paragraph 2—
 - (i) for “Community legislation”, substitute “retained EU law”;
 - (ii) for “the”, the second time it occurs, substitute “any other”;
 - (iii) for “host Member State”, substitute “United Kingdom”;
- (c) in paragraph 4—
 - (i) for “national”, substitute “other”;
 - (ii) omit “non-resident”;
 - (iii) after “carriers”, insert “established in Member States”;
 - (iv) for “host Member State”, substitute “United Kingdom”.
- (17) In Article 17 (control documents for cabotage operations)—
 - (a) omit paragraph 3;
 - (b) in paragraph 4, omit the last sentence;
 - (c) omit paragraph 5.
- (18) Omit Article 20 (mutual assistance).
- (19) In Article 21 (withdrawal of community licences and authorisations)—
 - (a) in the heading, omit “Community licences and”;
 - (b) omit paragraph 1;
 - (c) in paragraph 2, omit the words after “Regulation” to the end of the paragraph.
- (20) Omit Articles 22 (sanctioning of infringements by the Member State of establishment) to 28 (reporting).
- (21) Omit Article 31 (entry into force).
- (22) Omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.
- (23) Omit Annexes I (security features of the Community licence) and II (Community licence model).