

Proposal for a Council Decision on the conclusion of the Interbus Agreement on the international occasional carriage of passengers by coach and bus

(2002/C 51 E/02)

(Text with EEA relevance)

COM(2001) 540 final — 2001/0242(AVC)

(Submitted by the Commission on 1 October 2001)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 71(1) in conjunction with the first sentence of the first indent of Article 300(2) and the second indent of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the assent of the European Parliament,

Whereas:

- (1) In accordance with the Council mandate of 7 December 1995, the Commission negotiated a European agreement on the international occasional carriage of passengers by coach and bus with Bosnia Herzegovina, Bulgaria, Croatia, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Moldavia, Poland, Romania, the Slovak Republic, Slovenia and Turkey.
- (2) On 22 June 2001, in accordance with the Council Decision of 18 June 2001, the Interbus agreement on the international occasional carriage of passengers by coach and bus was signed on behalf of the Community.
- (3) On 30 June 2001, the agreement had been signed by the European Community and the following 13 countries: Bosnia Herzegovina, Bulgaria, Croatia, the Czech Republic, Hungary, Latvia, Lithuania, Moldavia, Poland, Romania, the Slovak Republic, Slovenia and Turkey.

(4) The conclusion of the Interbus Agreement will help to develop transport links between the contracting parties; for it to enter into force, after signature, four contracting parties, including the Community, must have approved or ratified it.

(5) The Interbus agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The conclusion of the Interbus Agreement on the international occasional carriage of passengers by coach and bus is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is authorised to designate the person empowered to deposit, on behalf of the Community, the act of approval provided for in Article 27 of the agreement in order to express the Community's consent to be bound.

Article 3

This Decision shall be published in the *Official Journal of the European Communities*.

AGREEMENT**On the international occasional carriage of passengers by coach and bus (Interbus Agreement)**

THE CONTRACTING PARTIES,

HAVING REGARD to the desire to promote the development of international transport in Europe and especially to facilitate the organisation and operation thereof;

HAVING REGARD to the desire to facilitate tourism and cultural exchange between the Contracting Parties;

WHEREAS the Agreement on the international Carriage of Passengers by Road by means of Occasional Coach and Bus Services (ASOR), signed in Dublin on the 26 May 1982 does not provide for any scope for the accession of new Parties;

WHEREAS the experience and the liberalisation achieved by this latter Agreement should be maintained;

WHEREAS it is desirable to provide for harmonised liberalisation of certain international occasional services by coach and bus and the transit operations thereof;

WHEREAS it is desirable to provide for certain harmonised rules of procedure for non-liberalised international occasional services, that are thus still subject to authorisation;

WHEREAS it is necessary to provide for a high degree of harmonisation of the technical conditions applying to buses and coaches carrying out international occasional services between Contracting Parties in order to improve road safety and protection of the environment;

WHEREAS it is necessary that Contracting Parties should apply uniform measures concerning the work of the crews of buses and coaches engaged in international road transport;

WHEREAS it is desirable to provide for harmonisation of the conditions for access to the occupation of road passenger transport operator;

WHEREAS the principle of non-discrimination on grounds of nationality or the place of establishment of the transport operator, and of the origin or destination of the bus or coach, should be considered to be a basic condition applying to the provision of international transport services;

WHEREAS it is necessary to provide for uniform models for transport documents such as the control document for liberalised occasional services and also the authorisation and the application form for non-liberalised services in order to facilitate and simplify inspection procedures;

WHEREAS it is necessary to provide for certain harmonised measures on the enforcement of the Agreement, especially as far as control procedures, penalties and mutual assistance are concerned;

WHEREAS it is appropriate to establish certain procedures for the management of the Agreement in order to ensure proper enforcement and to permit some technical adaptation of the Annexes;

WHEREAS the Agreement should be open for accession to future Members of the European Conference of Ministers of Transport and to certain other European countries;

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

HAVE AGREED AS FOLLOWS:

SECTION I

SCOPE AND DEFINITIONS

Article 1

Scope

1. This Agreement shall apply:
 - (a) to the international carriage of passengers, of any nationality, by road by means of occasional services:
 - between the territories of two Contracting Parties, or starting and finishing on the territory of the same Contracting Party and, should the need arise during such services, in transit 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 in accordance with its law and holding a licence to undertake carriage by means of international occasional 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 Agreement may be interpreted as providing the possibility to operate national occasional services in the territory of a Contracting Party by operators established in another Contracting Party.
3. The use of buses and coaches designed to carry passengers for the transport of goods for commercial purposes shall be excluded from the scope of this Agreement.
4. This Agreement does not concern own-account occasional 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 bus or coach, is applied, in particular with regard to fiscal provisions as established in Section VI as well as control and penalties as established in Section IX.

Article 3

Definitions

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

1. 'Buses and coaches' are vehicles which, by virtue of their construction and their equipment, are suitable for carrying

more than nine persons, including the driver, and are intended for that purpose.

2. 'International occasional services' are services between the territory of at least two Contracting Parties falling within neither the definition of regular services or special regular services nor the definition of a shuttle service. Such services may be operated with some degree of frequency without thereby ceasing to be occasional services.
3. 'Regular Services' are services which provide for the carriage of passengers according to a specified frequency and along specified routes, whereby passengers may be taken up or set down at predetermined stopping points. Regular services can be subject to the obligation to respect previously established timetables and tariffs.
4. 'Special Regular Services' are services, by whomsoever organised, which provide for the carriage of specified categories of passengers to the exclusion of other passengers, insofar as such services are operated under the conditions specified in point 3. Special regular services shall include:
 - the carriage of workers between home and work;
 - the carriage of school pupils and students to and from the educational institution.

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

5. (a) 'Shuttle services' are services whereby, by means of repeated outward and return journeys, previously formed groups of passengers are carried from a single place of departure to a single destination. Each group, consisting of the passengers who made the outward journey, shall be carried back to the place of departure on a later journey by the same transport operator.

Place of departure and destination shall mean, respectively, the place where the journey begins and the place where the journey ends, together with, in each case, the surrounding localities within a radius of 50 km.

- (b) In the course of shuttle services, no passenger may be taken up or set down during the journey.
- (c) The first return journey and the last outward journey in a series of shuttles shall be made unladen.
- (d) However, the classification of a transport operation as a shuttle service shall not be affected by the fact that, with the agreement of the competent authorities in the Contracting Party or Parties concerned:

- passengers, notwithstanding the provisions of subparagraph 1, make the return journey with another group or another transport operator;
- passengers, notwithstanding the provisions of subparagraph 2, are taken up or set down along the way;

— the first outward journey and the last return journey of the series of shuttles are, notwithstanding the provisions of subparagraph 3, made unladen.

6. 'Contracting Parties' are those signatories that have consented to be bound by this Agreement and for which this Agreement is in force.

This Agreement applies to those territories where the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty and to Bosnia-Herzegovina, Bulgaria, Croatia, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Slovakia, Slovenia and Turkey, as far as they have concluded this Agreement.

7. 'Competent Authorities' are those authorities designated by the Member States of the Community and by the other Contracting Parties to carry out the tasks set out in Sections V, VI, VII, VIII and IX of this Agreement.
8. 'Transit' means the part of a transport operation through the territory of a Contracting Party without passengers being picked up or set down.

SECTION II

CONDITIONS APPLYING TO ROAD PASSENGER TRANSPORT OPERATORS

Article 4

1. Contracting Parties which have not yet done so shall apply provisions equivalent to those established by the European Community Directive referred to in Annex 1.
2. Concerning the condition on the appropriate financial standing referred to in Article 3, paragraph 3 of such Directive, Contracting Parties may apply a minimum available capital and reserves lower than the amount established in point (c) of the said paragraph (3), up to the date of 1 January 2003 or even to 1 January 2005 under condition in the latter case that a corresponding declaration be made at the time of the ratification of the Agreement, without prejudice to the provisions included in the Europe Agreement establishing an association between the European Communities and their Member States and certain Contracting Parties of the present Agreement.

SECTION III

TECHNICAL CONDITIONS APPLYING TO VEHICLES

Article 5

The buses and coaches used to carry out the international occasional services covered by this Agreement shall comply with the technical standards laid down in Annex 2.

SECTION IV

ACCESS TO THE MARKET

Article 6

Liberalised occasional services

The following occasional services shall be exempted from authorisation on the territory of any Contracting Party other than that in which the transport operator is established:

1. Closed-door tours, that is to say services whereby the same bus or coach is used to carry the same group of passengers throughout the journey and to bring them back to the place of departure. The place of departure is in the territory of the Contracting Party in which the transport operator is established.
2. Services which make the outward journey laden and the return journey unladen. The place of departure is in the territory of the Contracting Party in which the transport operator is established.
3. Services during which the outward journey is made unladen and all the passengers are taken up in the same place, provided that one of the following conditions is met:
 - (a) passengers constitute groups, on the territory of a non-Contracting Party or of a Contracting Party other than that in which the transport operator is established or that where the passengers are taken up, that have been formed under contracts of carriage made before their arrival in the territory of the latter Contracting Party. Passengers are carried on the territory of the Contracting Party in which the transport operator is established;
 - (b) passengers have been previously brought, by the same transport operator in the circumstances provided for under point 2, into the territory of the Contracting Party where they are taken up again and carried into the territory of the Contracting Party in which the transport operator is established;
 - (c) passengers have been invited to travel into the territory of another Contracting Party, the cost of transport being borne by the person issuing the invitation. Such passengers must constitute a homogeneous group, which has not been formed solely with a view to undertaking that particular journey and which is brought into the territory of the Contracting Party in which the transport operator is established.

The following shall also be exempted from authorisation:

4. Transit operations through the territory of Contracting Parties in conjunction with occasional services that are exempted from authorisation.
5. Unladen buses and coaches to be used exclusively for the replacement of a bus or a coach damaged or broken down, while performing an international service covered by this Agreement.

For services provided by transport operators established within the European Community, the points of departure and/or destination of the services can be in any Member State of the European Community, independently of the Member State in which the bus or coach is registered or the Member State in which the transport operator is established.

Article 7

Non-liberalised occasional services

1. Occasional services other than those referred to in Article 6 shall be subject to authorisation in accordance with Article 15.

2. For services provided by transport operators established within the European Community, the points of departure and/or destination of the services can be in any Member State of the European Community, independently of the Member State in which the bus or coach is registered or the Member State in which the transport operator is established.

SECTION V

SOCIAL PROVISIONS

Article 8

The Contracting Parties to this Agreement which have not yet done so shall accede to the European Agreement concerning the work of Crews of Vehicles engaged in International Road Transport (AETR) of 1 July 1970, as subsequently amended, or shall apply Community Regulations 3820/85 and 3821/85 as in force at the entry into force of this Agreement.

SECTION VI

CUSTOM AND FISCAL PROVISIONS

Article 9

1. Buses and coaches that are engaged in transport operations in accordance with this Agreement shall be exempted from all vehicle taxes and charges levied on the circulation or possession of vehicles as well as from all special taxes or charges levied on transport operations in the territory of the other Contracting Parties.

Buses and coaches shall not be exempted from payment of taxes and charges on motor fuel, value added tax on transport services, road tolls and user charges levied on the use of infrastructure.

2. Contracting Parties shall ensure that tolls and any other form of user charges may not be imposed at the same time for the use of a single road section. However, Contracting Parties may also impose tolls on networks where user charges are levied, for the use of bridges, tunnels and mountain passes.

3. The fuel for buses and coaches, contained in the fuel tanks established by the manufacturer for this purpose, and in any case not more than 600 litres, as well as the lubricants

contained in buses and coaches for the sole purpose of their operation, shall be exempted from import duties and any other taxes and payments imposed in other Contracting Parties.

4. The Joint Committee established in Article 23 will draft a list of the taxes concerning road transport of passengers by bus and coach levied in each Contracting Party. This list will indicate the taxes falling under the provisions of paragraph 1, first subparagraph, of this Article that can only be levied in the Contracting Party of registration of the vehicle. This list will also indicate the taxes falling under the provisions of paragraph 1, second subparagraph, of this Article that may be levied in Contracting Parties other than the Contracting Party of registration of the vehicle. Contracting Parties which replace any tax included in the lists referred to with another tax of the same or a different kind shall notify the Joint Committee in order to make the necessary amendments.

5. Spare parts and tools imported for the repair of a damaged bus or coach while performing an international road transport operation shall be exempted from customs duty and from all taxes and charges at the time of importation into the territory of the other Contracting Party under the conditions laid down in its provisions concerning temporary admission of such goods. The spare parts which are replaced should be re-exported or destroyed under the control of the competent customs authority of the other Contracting Party.

SECTION VII

CONTROL DOCUMENTS FOR OCCASIONAL SERVICES EXEMPTED FROM AUTHORISATION

Article 10

The provision of services referred to in Article 6 shall be carried out under cover of a control document issued by the competent authorities or by any duly authorised agency of the Contracting Party in which the transport operator is established.

Article 11

1. The control document shall consist of detachable passenger waybills in duplicate in books of 25. The control document shall conform to the model shown in Annex 3 to this Agreement.

2. Each book and its component passenger waybills shall bear a number. The passenger waybills shall also be numbered consecutively, running from 1 to 25.

3. The wording on the cover of the book and that on the passenger waybills shall be printed in the official language or several official languages of the Contracting Party in which the transport operator is established.

Article 12

1. The book referred to in Article 11 shall be made out in the name of the transport operator; it shall not be transferable.

2. The top copy of the passenger waybill shall be kept on the bus or coach throughout the journey to which it refers.
3. The transport operator shall be responsible for seeing that passenger waybills are duly and correctly completed.

Article 13

1. The passenger waybill shall be completed in duplicate by the transport operator for each journey before the start of the journey.
2. For the purpose of providing the names of passengers, the transport operator may use a previously completed list on a separate sheet, which shall be annexed to the passenger waybill. The transport operator's stamp or, where appropriate, the transport operator's signature or that of the driver of the bus or coach shall be placed both on the list and on the passenger waybill.
3. For the services involving an outward unladen journey referred to in Article 6(3), the list of passengers may be completed as provided for in paragraph 2 at the time when the passengers are taken up.

Article 14

The competent authorities of two or more Contracting Parties may agree that the list of passengers need not be drawn up. In that case, the number of passengers must be shown on the control document.

The Joint Committee established in Article 23 shall be informed of these agreements.

SECTION VIII

AUTHORISATION FOR NON-LIBERALISED OCCASIONAL SERVICES

Article 15

1. An authorisation for each occasional service which has not been liberalised under the provisions of Article 6 shall be issued, in mutual agreement by the competent authorities of the Contracting Parties where passengers are picked up or set down as well as by the competent authorities of the Contracting Parties, crossed in transit. When the point of departure or destination is situated in a Member State of the European Community, the transit through other Member States of this Community will not be subject to authorisation.
2. The authorisation shall conform to the model laid down in Annex 5.

Article 16

Application for authorisation

1. The application for authorisation shall be submitted by the transport operator to the competent authorities of the

Contracting Party on whose territory the point of departure is situated.

Applications shall conform to the model laid down in Annex 4.

2. Transport operators shall fill in the application form and attach evidence that the applicant is licensed to perform carriage by means of international occasional services by coach and bus referred to in Article 1(1)(a), second indent.

3. The competent authorities of the Contracting Party in whose territory the place of departure is situated shall examine the application for authorisation of the service concerned and, in the case of its approval, shall forward it to the competent authorities of the Contracting Party(ies) of destination as well as the competent authorities of the Contracting Parties in transit.

4. As a derogation from Article 15 paragraph 1, Contracting Parties whose territories are crossed in transit may decide that their agreement is no longer necessary for services envisaged in this Section. In this case, the Joint Committee established in Article 23 shall be informed of this decision.

5. The competent authorities of the Contracting Party(ies) whose agreement has been requested shall issue the authorisation within one month, without discrimination as to the nationality or place of establishment of the transport operator. If these authorities do not agree on the terms of the authorisation they shall inform the competent authorities of the Contracting Party(ies) concerned of the relevant reasons.

Article 17

The competent authorities of two or more Contracting Parties may agree to simplify the authorisation procedure, the model of application for authorisation and the model of authorisation for the occasional services carried out between these Contracting Parties. The Joint Committee established in Article 23 shall be informed of these agreements.

SECTION IX

CONTROLS, PENALTIES AND MUTUAL ASSISTANCE

Article 18

The control documents referred to in Article 10 and the authorisations referred to in Article 15 shall be carried on the bus or coach and shall be presented at the request of any authorised inspecting officer.

Article 19

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

Article 20

A certified true copy of the licence to perform carriage by means of international occasional services by bus and coach referred to in Article 1(1)(a), second indent, shall be kept on the bus or coach and shall be presented at the request of any authorised inspecting officer.

The Joint Committee established in Article 23 shall be informed about the models of such a document issued by the competent authorities of the Contracting Parties.

Article 21

The competent authorities of the Contracting Parties shall lay down a system of penalties for breaching this Agreement. The penalties thus provided for shall be effective, proportionate and dissuasive.

Article 22

1. Where serious or repeated infringements of regulations concerning road transport, especially those concerning driving and resting time and road safety, have been committed by non-resident transport operators and might lead to withdrawal of the licence to practise as a road passenger transport operator, the competent authorities of the Contracting Party concerned shall provide the competent authorities of the Contracting Party in which such a transport operator is established with all of the information in their possession concerning those infringements and the penalties that they have imposed.

2. The competent authorities of the Contracting Party in whose territory the serious or repeated infringement of regulations concerning road transport, especially those concerning driving and resting time and road safety have occurred, may temporarily deny access for the transport operator concerned to the territory of this contracting party.

As far as the European Community is concerned, the competent authority of a Member State may only temporarily deny access to the territory of that Member State.

Competent authorities of the Contracting Party of establishment of the transport operator and the Joint Committee established in Article 23 shall be informed of such measures.

3. Where serious or repeated infringements of regulations concerning road transport, especially those concerning driving and resting time and road safety, have been committed by a transport operator, the competent authorities of the Contracting Parties where the transport operator is established shall take the appropriate measures to avoid repetition of those infringements; these measures may include the suspension or the withdrawal of the licence to practise as a road passenger transport operator. The Joint Committee established in Article 23 shall be informed of such measures.

4. Contracting Parties shall guarantee the right of the transport operator to appeal against the sanctions imposed.

SECTION X

THE JOINT COMMITTEE*Article 23*

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

2. The Joint Committee shall meet for the first time within six months of the entry into force of this Agreement.

3. The Joint Committee shall establish its own rules of procedure.

4. The Joint Committee shall meet at the request of at least one Contracting Party.

5. The Joint Committee may adopt decisions only when two thirds of the Contracting Parties, including the European Community, are represented in the Joint Committee meetings.

6. In so far as the Joint Committee is required to take decisions, unanimity of the Contracting Parties represented shall be required. In the event that unanimity cannot be achieved, the competent authorities concerned shall, following a request by one or more of the Contracting Parties concerned, meet for consultation within a period of six weeks.

Article 24

1. The Joint Committee shall ensure proper implementation of this Agreement. The Committee will be informed of any measure adopted or to be adopted in order to implement the provisions of this Agreement.

2. The Joint Committee shall in particular:

(a) on the basis of the information provided by the Contracting Parties, draw up a list of competent authorities of the Contracting Parties responsible for the tasks referred to in Sections V, VI VII, VIII and IX of this Agreement;

(b) amend or adapt the control documents and other models of documents established in the Annexes to this Agreement;

(c) amend or adapt the Annexes concerning the technical standards applying to buses and coaches, as well as Annex 1 regarding the conditions applying to road passenger transport operators referred to in Article 4, in order to incorporate future measures taken within the European Community;

(d) on the basis of the information provided by the Contracting parties, draw up a list, for information, of all customs duties, taxes and charges referred to in Article 9, paragraphs 4 and 5;

- (e) amend or adapt the requirements concerning the social provisions referred to in Article 8 in order to incorporate future measures taken within the European Community;
- (f) resolve any dispute which may arise over the implementation and interpretation of this Agreement;
- (g) recommend further steps towards the liberalisation of those occasional services still subject to authorisation.

3. The Contracting Parties shall take the measures necessary to enforce any decisions adopted by the Joint Committee in accordance, where necessary, with their own internal procedures.

4. If an agreement cannot be reached to settle a dispute in accordance with paragraph 2, point (f) of this Article, the Contracting Parties concerned may submit the case to an arbitration panel. Each Contracting Party concerned shall appoint an arbitrator. The Joint Committee itself shall also appoint an arbitrator.

The arbitrators' decisions shall be taken by majority vote.

Contracting Parties involved in the dispute shall take the steps required to implement the arbitrators' decisions.

SECTION XI

GENERAL AND FINAL PROVISIONS

Article 25

Bilateral Agreements

1. The provisions of this Agreement shall replace those relevant provisions of the agreements concluded between Contracting Parties. As far as the European Community is concerned, this provision applies to agreements concluded between any Member State and a Contracting Party.

2. Contracting Parties other than the European Community may agree not to apply Article 5 and Annex 2 of this Agreement and apply other technical standards to buses and coaches executing occasional services between these Contracting Parties including transit of their territories.

3. Notwithstanding the provisions of Article 6 of Annex 2, the provisions of this Agreement shall replace those relevant provisions of the agreements concluded between the Member States of the European Community and other Contracting Parties.

However, the provisions granting an exemption from authorisation contained in existing bilateral agreements between Member States of the European Community and other Contracting Parties for occasional services mentioned in Article 7 may be maintained and renewed. In that case, the Contracting Parties concerned will immediately inform the Joint Committee established in Article 23.

Article 26

Signature

This Agreement shall be open for signature at Brussels from 14 April 2000 to 30 June 2001, at the General Secretariat of the Council of the European Union which shall act as the depository of the Agreement.

Article 27

Ratification or Approval and Depository of the Agreement

This Agreement shall be approved or ratified by the signatories in accordance with their own procedures. The instruments of approval or ratification shall be deposited by Contracting Parties with the General Secretariat of the Council of the European Union, which shall notify all other signatories.

Article 28

Entry into force

1. This Agreement shall enter into force for the Contracting Parties that have approved or ratified it, when four Contracting Parties including the European Community have approved or ratified it, on the first day of the third month following the date on which the fourth instrument of approval or ratification is deposited, or even on the first day of the sixth month, under condition in the latter case that a corresponding declaration be made at the time of the ratification of the Agreement.

2. This Agreement shall enter into force, for each Contracting Party that approves or ratifies it after the entry into force provided for in paragraph 1, on the first day of the third month following the date on which the Contracting Party concerned has deposited its instrument of approval or ratification.

Article 29

Duration of the Agreement — evaluation of the functioning of the Agreement

1. This Agreement shall be concluded for a period of five years, dating from its entry into force.

2. The duration of this Agreement 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 Depository of its intention according to Article 31.

3. Before the end of each period of five years, the Joint Committee shall evaluate the functioning of this Agreement.

*Article 30***Accession**

1. After its entry into force, this Agreement shall be open to accession by countries which are full members of the European Conference of Ministers of Transport (ECMT). In the event of the accession to this Agreement by countries that are members of the Agreement on the European Economic Area, this Agreement shall not apply among the Contracting Parties of the Agreement on the European Economic Area.

2. This Agreement shall also be open to accession by the Republic of San Marino, the Principality of Andorra and the Principality of Monaco.

3. For each State acceding to this Agreement after the entry into force provided for in Article 28, the Agreement shall enter into force on the first day of the third month after deposit by such State of its instrument of accession.

4. Each State acceding to this Agreement after the entry into force provided for in Article 28 may be granted a period of three years maximum for the adoption of provisions equivalent to the directive(s) referred to in Annex 1. The Joint Committee shall be informed of any such measures adopted.

*Article 31***Denunciation**

Each Contracting Party may, for its part, denounce this Agreement with one year's notice by simultaneous notification of the other Contracting Parties through the Depository of the Agreement. The Joint Committee shall also be informed of the reasons of the denunciation. However, the Agreement cannot be denounced during the first four years which follow its entry into force, as provided for under Article 28.

If the Agreement is denounced by one or more Contracting Parties, and the number of Contracting Parties falls below the number agreed for the original entry into force as provided for

in Article 28, the Agreement shall remain in force unless the Joint Committee, comprising the remaining Contracting Parties, decides otherwise.

*Article 32***Termination**

A Contracting Party that has acceded to the European Union shall cease to be treated as a Contracting Party from the date of such accession.

*Article 33***Annexes**

Annexes to this Agreement shall constitute an integral part thereof.

*Article 34***Languages**

This Agreement, drawn up in the English, French and German languages, these texts being authentic, shall be deposited in the archives of the General Secretariat of the Council of the European Union, which shall transmit a certified true copy to each of the Contracting Parties.

Each Contracting Party shall ensure a proper translation of this Agreement in its official language or official languages. A copy of this translation shall be deposited in the archives of the General Secretariat of the Council of the European Union.

A copy of all translations of the Agreement and the Annexes will be sent by the Depository to all Contracting Parties.

IN witness whereof, the undersigned plenipotentiaries have signed this Agreement.

*ANNEX 1***THE CONDITIONS APPLYING TO ROAD PASSENGER TRANSPORT OPERATORS REFERRED TO IN ARTICLE 4**

The European Community Directive referred to in Article 4 is the following: Council Directive 96/26/EC of 29 April 1996 on admission to the occupation of road haulage operator and road passenger transport operator and mutual recognition of diplomas, certificates and other evidence of formal qualification intended to facilitate for these operators the right to freedom of establishment in national and international transport operations (OJ L 124, 23.5.1996, p. 1) as last amended by Council Directive 98/76/EC of 1 October 1998 (OJ L 277, 14.10.1998, p. 17).

ANNEX 2

TECHNICAL STANDARDS APPLYING TO BUSES AND COACHES

Article 1

As from the date of entry into force for each Contracting Party of the Interbus Agreement, buses and coaches carrying out international occasional carriage of passengers shall comply with the rules established in the following legal texts:

- (a) Council Directive 96/96/EC of 20 December 1996 on the approximation of the laws of the Member States relating to roadworthiness tests for motor vehicles and their trailers (OJ L 46, 17.2.1997, p. 1);
- (b) 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 (OJ L 57, 2.3.1992, p. 27);
- (c) 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 (OJ L 235, 17.9.1996, p. 59);
- (d) Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport (OJ L 370 of 31.12.1985, p. 8), as last amended by Commission Regulation (EC) No 2135/98 of 24.9.1998 (OJ L 274, 9.10.1998, p. 1) or equivalent rules established by AETR Agreement including its Protocols.

Article 2

As from the date of entry into force of the Interbus Agreement for each Contracting Party, Contracting Parties other than the European Community shall comply, for buses and coaches carrying out international occasional carriage of passengers, with the technical requirements of the following Community Directives or equivalent UN-ECE Regulations on uniform provisions concerning the type-approval for new vehicles and their equipment.

Item	UN-ECE Regulation/ last amendment	EC-Directive (original-latest)	Date of implementation within the EU
Exhaust emission	49/01	88/77	1.10.1993
	49/02, approval A	91/542 step 1	1.10.1996
	49/02, approval B	91/542 step 2 96/1	
Smoke	24/03	72/306	2.8.1972
Noise emission	51/02	70/157	1.10.1989
		84/424	1.10.1996
		92/97	
Brake system	13/09	71/320	1.10.1991
		88/194	1.10.1994
		91/422	
		98/12	
Tyres	54	92/23	1.1.1993
Light installation	48/01	76/756	1.1.1994
		91/663	
		97/28	

Article 3

The buses and coaches carrying out the following services:

- (a) services from any Member State of the Community (except Greece) to any Contracting Party of Interbus;
- (b) services from any Contracting Party of Interbus to any Member State of the Community (except Greece);
- (c) services from any Contracting Party of Interbus to Greece in transit through any other Member State of the Community carried out by transport operators established in any Contracting Party of interbus;

shall be subject to the following rules:

1. Buses and coaches first registered before 1.1.1980 cannot be used for the occasional services covered by the Interbus Agreement.
2. Buses and coaches first registered between 1.1.1980 and 31.12.1981 can be used only until 31.12.2000.
3. Buses and coaches first registered between 1.1.1982 and 31.12.1983 can be used only until 31.12.2001.
4. Buses and coaches first registered between 1.1.1984 and 31.12.1985 can be used only until 31.12.2002.
5. Buses and coaches first registered between 1.1.1986 and 31.12.1987 can be used only until 31.12.2003.
6. Buses and coaches first registered between 1.1.1988 and 31.12.1989 can be used only until 31.12.2004.
7. Only buses and coaches first registered as from 1.1.1990 (EURO 0) can be used from 1.1.2005.
8. Only buses and coaches first registered as from 1.10.1993 (EURO 1) can be used from 1.1.2007.

Article 4

Buses and coaches carrying out the following services:

- (a) services from Greece to Contracting Parties of Interbus;
- (b) services from Contracting Parties of Interbus to Greece;

shall be subject to the following rules:

1. Buses and coaches first registered before 1.1.1980 cannot be used for the occasional services covered by the Interbus Agreement.
2. Buses and coaches first registered between 1.1.1980 and 31.12.1981 can be used only until 31.12.2000.
3. Buses and coaches first registered between 1.1.1982 and 31.12.1983 can be used only until 31.12.2001.
4. Buses and coaches first registered between 1.1.1984 and 31.12.1985 can be used only until 31.12.2003.
5. Buses and coaches first registered between 1.1.1986 and 31.12.1987 can be used only until 31.12.2005.
6. Buses and coaches first registered between 1.1.1988 and 31.12.1989 can be used only until 31.12.2007.
7. Only buses and coaches first registered as from 1.1.1990 (EURO 0) can be used from 1.1.2008.

8. Only buses and coaches first registered as from 1.10.1993 (EURO 1) can be used from 1.1.2010.

Article 5

Community buses and coaches used in bilateral traffic between Greece and other Member States of the Community in transit through Contracting Parties of the Interbus Agreement are not covered by present rules on technical standards, but are subject to European Community rules.

Article 6

1. The rules on technical standards included in bilateral agreements or arrangements between Member States of the Community and Contracting Parties of the Interbus Agreement, concerning bilateral traffic and transit, which are stricter than the rules established in this Agreement may be applied until 31 December 2006.
2. Member States of the Community and Contracting Parties of the Interbus Agreement concerned shall inform the Joint Committee established in Article 23 of the Agreement on the contents of such bilateral agreements or arrangements.

Article 7

1. A document proving the date of the vehicle's first registration shall be kept on board and shall be presented at the request of any authorised inspecting officer. For the purpose of this Annex, the terms 'date of vehicle's first registration' shall refer to the first registration of the vehicle after its manufacture. When this date of registration is not available, it will be referred to as the date of construction.
2. Where the original bus engine has been replaced by a new engine, the document referred to in paragraph 1 of this Article shall be substituted by a document proving the compliance of the new engine with the relevant type-approval rules mentioned in Article 3.

Article 8

1. Notwithstanding the provision referred to in paragraph (a) of Article 1 of this Annex, Contracting Parties may establish random inspections in order to control that the buses and coaches concerned comply with the provisions of Directive 96/96/EC. For the purpose of this Annex 'random inspections' shall mean an unscheduled and therefore unexpected inspection of a bus or coach circulating on the territory of a Contracting Party carried out by the authorities at the roadside.
 2. In order to carry out the roadside inspection provided for in this Annex, competent authorities of Contracting Parties shall use the checklist included in Annex II a and II b. A copy of this checklist drawn up by the authority which carried it out shall be given to the driver of the bus or coach and presented on request in order to simplify or avoid, where possible, subsequent inspections within a short and unreasonable period.
 3. If the vehicle examiner considers that the deficiency in the maintenance of the bus or coach justifies further examination, the bus or coach may be subjected to a roadworthiness test at an approved testing centre in accordance with Article 2 of Directive 96/96/EC.
 4. Without prejudice to other penalties which may be imposed, if the consequence of the random inspection is that the bus or coach does not comply with the provisions of Directive 96/96/EC and therefore is considered to present a serious risk to its occupants or other road users, the bus or coach may be banned immediately from use on public roads.
 5. Roadside checks shall be carried out without discrimination on the grounds of nationality, residence or registration of buses and coaches and drivers respectively.
-

ANNEX 2(a)

CHECKLIST

1. Place of check 2. Date 3. Time
4. Vehicle nationality mark and registration number
5. Class of vehicle
- Coach ⁽¹⁾
6. Name and address of transport operator carrying out transport
7. Nationality
8. Driver
9. Consignor, address, place of loading
10. Consignee, address, place of unloading
11. Gross mass of unit
12. Reason for failure:
- Braking system and components
- Steering linkages
- Lamps, lighting and signalling devices
- Wheels/hubs /tyres
- Exhaust system
- Smoke opacity (diesel)
- Gaseous emissions (petrol)
13. Miscellaneous/remarks
14. Authority/officer having carried out the inspection
15. Result of inspection
- pass
- passed with minor defects
- serious defects
- immediate prohibition

Signature of testing inspector/Authorisation

⁽¹⁾ Motor vehicle with at least four wheels used for the carriage of passengers, comprising more than eight seats in addition to the driver's seat (categories M2, M3).

ANNEX 2(b)

TECHNICAL STANDARDS OF THE ROADSIDE CHECK

Buses and coaches as defined in Article 3 of this Agreement shall be maintained in such a condition that they can be deemed as roadworthy by the inspection authorities.

The items that shall be inspected will include those that are considered to be important for the safe and clean operation of the bus or coach. As well as simple functional checks (lighting, signalling, tyre condition etc.), specific tests and/or inspections shall be carried out on the vehicle's brakes and the motor vehicle's emissions in the following manner:

1. BRAKES

Every part of the braking system and its means of operation shall be maintained in good and efficient working order and be properly adjusted.

The bus or coach's brakes shall be capable of performing the following three braking functions:

- (a) For buses and coaches and their trailers and semi-trailers, a service brake capable of slowing down the vehicle and of stopping it safely, rapidly and efficiently, whatever its conditions of loading and whatever the upward or downward gradient of the road on which it is moving;
- (b) For buses and coaches and their trailers and semi-trailers a parking brake capable of holding the bus or coach stationary, whatever its condition of loading, on a noticeable upward or downward gradient, the operative surfaces of the brake being held in the braking position by a device whose action is purely mechanical;
- (c) For buses and coaches, a secondary (emergency) brake capable of slowing down and stopping the bus or coach, whatever its condition of loading, within a reasonable distance, even in the event of failure of the service brake.

Where the maintenance condition of the bus or coach is in doubt, the inspection authorities may test the bus or coach's braking performance in accordance with some or all of the provisions of Directive 96/96/EC Annex II, item I.

2. EXHAUST EMISSIONS**2.1. Exhaust emission****2.1.1. Buses and coaches equipped with positive-ignition (petrol) engines**

- (a) Where the exhaust emissions are not controlled by an advanced emission control system such as a three-way catalytic converter which is lambda-probe controlled:

1. Visual inspection of the exhaust system in order to check that there is no leakage.
2. If appropriate, visual inspection of the emission control system in order to check that the required equipment has been fitted.

After a reasonable period of engine conditioning (taking account of the bus or coach manufacturer's recommendations) the carbon monoxide (CO) content of the exhaust gases is measured when the engine is idling (no load).

The maximum permissible CO content in the exhaust gases is that stated by the bus or coach manufacturer. Where this information is not available or where Member States' competent authorities decide not to use it as a reference value, the CO content must not exceed the following:

- for buses and coaches registered or put into service for the first time between the date from which Contracting Parties required the buses and coaches to comply with Directive 70/220/EEC⁽¹⁾ and 1 October 1986: CO – 4,5 % vol.
- for buses and coaches registered or put into service for the first time after 1 October 1986: CO – 3,5 % vol.

⁽¹⁾ Council Directive 70/220/EEC of 20 March 1970 on the approximation of the laws of the Member States relating to measures to be taken against air pollution by emissions from motor vehicles (OJ L 76, 9.3.1970, p. 1 and corrigendum OJ L 81, 11.4.1970, p. 15), as last amended by European Parliament and Council Directive 94/12/EC (OJ L 100, 19.4.1994, p. 42).

(b) Where the exhaust emissions are controlled by an advanced emission control system such as a three-way catalytic converter which is lambda-probe controlled:

1. Visual inspection of the exhaust system in order to check that there are no leakages and that all parts are complete.
2. Visual inspection of the emission control system in order to check that the required equipment has been fitted.
3. Determination of the efficiency of the bus or coach's emission control system by measuring the lambda value and the CO content of the exhaust gases in accordance with Section 4 or with the procedures proposed by the manufacturers and approved at the time of type-approval. For each of the tests, the engine is conditioned in accordance with the bus or coach manufacturer's recommendations.
4. Exhaust pipe emissions — limit values

Measurement at engine idling speed:

The maximum permissible CO content in the exhaust gases is that stated by the bus or coach manufacturer. Where this information is not available, the maximum CO content must not exceed 0,5 % vol.

Measurement at high idle speed, engine speed to be at least 2 000 min⁻¹):

CO content: maximum 0,3 % vol.

Lambda: $1 \pm 0,03$ in accordance with the manufacturer's specifications.

2.1.2. Buses and coaches equipped with compression ignition (diesel) engines

Measurement of exhaust gas opacity with free acceleration (no load from idling up to cut-off speed). The level of concentration must not exceed the level recorded on the plate pursuant to Directive 72/306/EEC⁽¹⁾. Where this information is not available or where Contracting Parties' competent authorities decide not to use it as a reference, the limit values of the coefficient of absorption are as follows:

Maximum coefficient of absorption for:

naturally aspirated diesel engines = 2,5 m⁻¹,

turbo-charged diesel engines = 3,0 m⁻¹

or equivalent values where use is made of equipment of a type different from that used for EC type-approval.

2.1.3. Test equipment

Buses' and coaches' emissions are tested using equipment designed to establish accurately whether the limit values prescribed or indicated by the manufacturer have been complied with.

- 2.2. Where appropriate, a check on the correct functioning of the On Board Diagnostic (OBD) emission monitoring system.

⁽¹⁾ Council Directive 72/306/EEC of 2 August 1972 on the approximation of the laws of the Member States relating to the measures to be taken against the emission of pollutants from diesel engines for use in vehicles (OJ L 190, 20.8.1972, p. 1). Directive as last amended by Commission Directive 89/491/EEC (OJ L 238, 15.8.1989, p. 43).

ANNEX 3

MODEL OF CONTROL DOCUMENT FOR OCCASIONAL SERVICES EXEMPTED FROM AUTHORISATION

(green-coloured paper: DIN A4 = 29,7 × 21 cm)

(Front cover — recto)

(To be worded in the official language(s) or one of the official languages of the Contracting Party where the transport operator is established)

State in which the control document is issued (Distinguishing sign of the country) ⁽¹⁾

Competent authority or duly authorised agency

Book No

INTERBUS

BOOK OF PASSENGER WAYBILLS

For the international carriage of passengers by road by means of occasional coach and bus services established pursuant to:

— Articles 6 and 10 of the Agreement on the International Occasional Carriage of Passengers by Coach and Bus — Interbus Agreement

Name or trade name of the transport operator:

Address:

(Asiakirjan laatimisaika ja päiväys)

(Signature and stamp of the authority issuing the book)

⁽¹⁾ Belgium (B), Denmark (DK), Germany (D), Greece (GR), Spain (E), France (F), Ireland (IRL), Italy (I), Luxembourg (L), Netherlands (NL), Portugal (P), United Kingdom (UK), Finland (FIN), Austria (A), Sweden (S), Bulgaria (BG), Czech Republic (CZ), Estonia (EST), Hungary (H), Lithuania (LT), Latvia (LV), Poland (PL), Romania (RO), Slovak Republic (SK), Slovenia (SLO) to be completed.

(green-coloured paper: DIN A4 = 29,7 × 21 cm)

(Flyleaf of the book of waybills — recto)

(To be worded in the official language(s) or one of the official languages of the Contracting Party where the transport operator is established)

IMPORTANT NOTICE

1. Services covered by the Interbus Agreement are the following:

- 1) International carriage of passengers of any nationality, by road by means of occasional services:
 - between the territories of two Contracting Parties, or starting and finishing in the territory of the same Contracting Party, and should the need arise during such service, in transit 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 in accordance with its law and holding a licence to undertake carriage by means of international occasional services by coach and bus;
 - using buses and coaches registered in the territory of the Contracting Party where the transport operator is established which by virtue of their construction and their equipment, are suitable for carrying more than nine persons, including the driver, and are intended for that purpose.
- 2) Unladen journeys of the buses and coaches concerned with these services.
- 3) For the purposes of the Interbus Agreement, the term 'territory of a Contracting Party' covers, as far as the European Community is concerned, those territories where the Treaty establishing that Community is applied and under the conditions laid down in that Treaty.
- 4) The possibility to operate national occasional services in a Contracting Party by operators established in another Contracting Party is excluded from the scope of the Interbus Agreement.
- 5) The use of buses and coaches designed to carry passengers, for the transport of goods for commercial purposes is excluded from the scope of this Agreement.
- 6) the Interbus Agreement does not concern own account occasional services.

2. International occasional services exempted from authorisation on the territory of any Contracting Party other than that in which the transport operator is established under the terms of Article 6 of the Interbus Agreement are the following:

- 1) Closed-door tours, that is to say services whereby the same bus or coach is used to carry the same group of passengers throughout the journey and to bring them back to the place of departure. The place of departure is in the territory of the Contracting Party in which the transport operator is established.
- 2) Services which make the outward journey laden and the return journey unladen. The place of departure is in the territory of the Contracting Party in which the transport operator is established.
- 3) Services during which the outward journey is made unladen and all the passengers are taken up in the same place, provided that one of the following conditions is met:
 - a) passengers constitute groups, on the territory of a non-Contracting Party or a Contracting Party other than that in which the transport operator is established or that where the passengers are taken up, that have been formed under contracts of carriage made before their arrival in the territory of the latter Contracting Party. Passengers are carried on the territory of the Contracting Party in which the transport operator is established.
 - b) passengers have been previously brought, by the same transport operator in the circumstances provided for under point 2, into the territory of the Contracting Party where they are taken up again and carried into the territory of the Contracting Party in which the transport operator is established.
 - c) passengers have been invited to travel into the territory of another Contracting Party, the cost of transport being borne by the person

issuing the invitation. Such passengers must constitute a homogeneous group, which has not been formed solely with a view to undertaking that particular journey and which is brought into the territory of the Contracting Party in which the transport operator is established.

- 4) transit operations through Contracting Parties in conjunction with occasional services that are exempted from authorisation shall also be exempted from authorisation.
- 5) Unladen buses and coaches to be used exclusively for the replacement of a damaged or broken-down bus or coach, performing an international service covered by this Agreement shall also be exempted from authorisation.

For services provided by transport operators established within the European Community, the points of departure and/or destination of the services can be in any Member State of the European Community, independently of the Member State in which the bus or coach is registered or the Contracting Party in which the transport operator is established.

3. Conditions applicable to buses and coaches

Buses and coaches used to carry out international occasional services covered by the Interbus Agreement shall comply with the technical standards according to Article 5 and Annex 2 of such Agreement

4. Information concerning the completion of the waybill.

- 1) For each journey carried out as an occasional service the transport operator must complete a passenger waybill in duplicate, before the start of the journey.

For the purpose of providing the names of passengers, the transport operator may use a list previously completed on a separate sheet, which shall be annexed to the passenger waybill. The transport operator's stamp or, where appropriate, the transport operator's signature or that of the driver of the vehicle must be placed both on the list and on the passenger waybill.

For services where the outward journey is made unladen, the list of passengers may be completed as provided above at the time when the passengers are taken up.

The top copy of the passenger waybill must be kept on board the bus or coach throughout the journey and be produced whenever required by any authorised inspecting officer.

- 2) For services where the outward journey is made unladen, referred to in point 4C of the waybill, the transport operator must attach the following supporting documents to the passenger control document:
 - in cases mentioned under 4 C1: the copy of the contract of carriage in so far as some countries require it, or any other equivalent document which establishes the essential data of this contract (especially place, country and date of conclusion, place, country and date when passengers are taken up, place and country of destination);
 - in the case of services falling within 4 C2: the passenger waybill which accompanied the bus or coach during the corresponding journey made by the transport operator outward laden/return unladen in order to bring the passengers into the territory of the Contracting Party where they are taken up again;
 - in the case of services falling within 4 C3: the letter of invitation from the person issuing the invitation or a photocopy thereof.
- 3) In the course of occasional services no passenger may be taken up or set down during the journey, save for exemption authorised by the competent authorities. In that case an authorisation is needed.
- 4) The transport operator is responsible for seeing that passenger waybills are duly and correctly completed. They shall be completed in block letters and in indelible ink.
- 5) The book of waybills is not transferable.

(Green coloured paper — DIN A4 = 29,7 × 21 cm)

(Passenger waybill — recto)

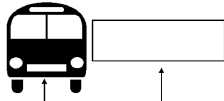
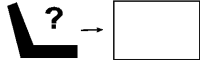
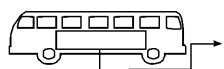
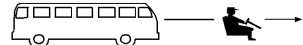


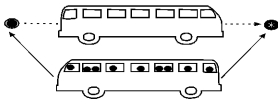
INTERBUS

(To be worded in the official language(s) or one of the official languages of the Contracting Party where the transport operator is established)

Book No

Waybill No

(State in which the document is issued) — Distinguishing sign of the country

		
	Vehicle Registration Number	Number of Passenger seats available
2	
	Name or Trade name of transport operator	
3		1 2 3
	Name of Driver or Drivers	
Type of service (put a cross in the appropriate box and add the required supplementary information)		
A	 Closed-Door Tours	B  Outward journey laden/Return journey unladen ☒ Locality where passengers are set down and distinguishing sign of the country
C	Outward journey unladen and all the passengers are taken up in the same place and transported to the country in which the transport operator is established. ☒ Locality where passengers are picked up and distinguishing sign of the country	
4	C1	a) The passengers were grouped together, under a contract of carriage made on (Date) with (travel agency, association, etc.) b) The passengers were grouped together on the territory of: a) non-contracting Party (Name of this country) b) Contracting Party other than that in which the transport operator is established (Name of this country) c) Place and Contracting Party where the Passengers have been taken up (Name of this country) d) To be carried to the Contracting Party of establishment of the transport operator (Name of this country) ☐ Copy of the contract of carriage or equivalent document is attached (cf. Important notice point 4)
	C2	Passengers have previously been brought by the same transport operator on a service referred to in B, to the contracting Party in which they are to be taken up again and carried out into the territory of the Contracting Party in which the transport operator is established ☐ The passenger waybill for the previous outward laden journey and unladen return journey is attached.
	C3	Passengers have been invited to travel to (Name of the place and country) Cost of transport being borne by the person issuing the invitation and the passengers constitute a homogeneous group which has not been formed solely with a view to undertaking that particular journey. The letter of invitation (or a photocopy thereof) is attached. The group is brought into the territory of the Contracting Party where the transport operator is established.

(Passenger waybill — verso)

	Itinerary	Daily Stages				Border-crossing points
	Dates	from Locality / Country	to Locality / Country	Km Laden	Km Unladen	
5						
6	List of passengers					
	1		22		43	
	2		23		44	
	3		24		45	
	4		25		46	
	5		26		47	
	6		27		48	
	7		28		49	
	8		29		50	
	9		30		51	
	10		31		52	
	11		32		53	
	12		33		54	
	13		34		55	
	14		35		56	
	15		36		57	
	16		37		58	
	17		38		59	
	18		39		60	
	19		40		61	
	20		41		62	
21		42		63		
7	Date of completion of waybill			Signature of the transport operator		
8	Unforeseen changes					
9	Control stamps if any					

(Item 6, if necessary, can be completed on a separate sheet that will be firmly stuck to this document)

ANNEX 4

MODEL OF APPLICATION FOR AN AUTHORISATION FOR AN INTERNATIONAL OCCASIONAL SERVICE

(White paper — A4)

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

APPLICATION FOR AN AUTHORISATION TO START AN INTERNATIONAL OCCASIONAL SERVICE

carried out by coach or bus between Contracting Parties in accordance with Article 7 of the Agreement on the International Occasional Carriage of Passengers by Coach or Bus (Interbus Agreement)

(Competent authority of the Contracting Party from which the service departs, namely, the first pick up point for passengers))

1. Information concerning the applicant for authorisation:

- Name or trade name:
Address:
Country
Tel.
Fax:

(Second page of the application)

2. Purpose, reasons and description of the occasional service:

.....
.....
.....
.....

3. Information concerning the route:

(a) Place of departure of service: Country

(b) Place of destination of service: Country

Principal route of service and border crossing points

.....
.....
.....
.....

Countries whose territory is crossed without passengers being picked up or set down

.....
.....
.....

4. Date of carrying out of service:

5. Number of registration of bus(es) or coach(es)

.....
.....

6. Any additional information:

.....
.....
.....
.....

7.

(Place and date)

.....

(Signature of applicant)

(Third page of the application)

Important notice

1. Transport operators shall fill in the application form and attach evidence that the applicant has a licence to undertake carriage by means of international occasional services by coach and bus referred to in Article 1(1)(a) second indent of the Interbus agreement.
2. Occasional services other than those referred to in Article 6 of the Interbus agreement shall be subject to authorisation namely, services other than the following:
 - 1) Closed-door tours, that is to say services whereby the same bus or coach is used to carry the same group of passengers throughout the journey and to bring them back to the place of departure. The place of departure is in the territory of the Contracting Party in which the transport operator is established.
 - 2) Services which make the outward journey laden and the return journey unladen. The place of departure is in the territory of the Contracting Party in which the transport operator is established.
 - 3) Services during which the outward journey is made unladen and all the passengers are taken up in the same place, provided that one of the following conditions is met:
 - a) passengers constitute groups, on the territory of a non-Contracting Party or of a Contracting Party other than that in which the transport operator is established or that where the passengers are taken up, that have been formed under contracts of carriage made before their arrival in the territory of the latter Contracting Party. Passengers are carried on the territory of the Contracting Party in which the transport operator is established.
 - b) passengers have been previously brought, by the same transport operator in the circumstances provided for under point 2, into the territory of the Contracting Party where they are taken up again and carried into the territory of the Contracting Party in which the transport operator is established.
 - c) passengers have been invited to travel into the territory of another Contracting Party, the cost of transport being borne by the person issuing the invitation. Such passengers must constitute a homogeneous group, which has not been formed solely with a view to undertaking that particular journey and which is brought into the territory of the Contracting Party in which the transport operator is established.
 - 4) Transit operations through Contracting Parties in conjunction with occasional services that are exempted from authorisation shall also be exempted from authorisation.
 - 5) Unladen buses and coaches to be used exclusively for the replacement of a bus or coach damaged or broken down while performing an international service covered by this Agreement shall also be exempted from authorisation.

For services provided by transport operators established within the European Community, the points of departure and/or destination of the services can be in any Member State of the European Community, independently of the Member State in which the bus or coach is registered or the Member State in which the transport operator is established.

3. The application shall be made to the competent authority of the Contracting Party in which the service departs, namely, the first pick-up point for passengers.
4. The buses and coaches to be used shall be registered on the territory of the Contracting Party of establishment of the transport operator.
5. The buses and coaches used to carry out international occasional services covered by the Interbus Agreement shall comply with the technical standards laid down in Annex 2 of that Agreement.

ANNEX 5

MODEL OF AUTHORISATION FOR NON-LIBERALISED OCCASIONAL SERVICES

(First page of authorisation)

(Pink paper — DIN A4)

To be worded in the official language(s) or one of the official languages of the Contracting Parties issuing the authorisation

ISSUING CONTRACTING PARTY
International distinguishing sign ⁽¹⁾

COMPETENT AUTHORITY
Stamp

AUTHORISATION No ...

for an international occasional service carried out by coach or bus between Contracting Parties in accordance with Article 7 of the Agreement on the International Occasional Carriage of Passengers by Coach and Bus (Interbus Agreement)

to
(Surname, first name or trade name of transport operator)

Address:

Country:

Tel.

Fax:

.....
(Place and date of issue)

.....
(Signature and stamp of issuing authority)

⁽¹⁾ Belgium (B), Denmark (DK), Germany (D), Greece (GR), Spain (E), France (F), Ireland (IRL), Italy (I), Luxembourg (L), Netherlands (NL), Portugal (P), United Kingdom (UK), Finland (FIN), Austria (A), Sweden (S), Bulgaria (BG), Czech Republic (CZ), Estonia (EST), Hungary (H), Lithuania (LT), Latvia (LV), Poland (PL), Romania (RO), Slovak Republic (SK), Slovenia (SLO) to be completed..

(Second page of authorisation)

1. Purpose, reasons and description of the occasional service:

.....
.....
.....
.....

2. Information concerning the route:

(a) Place of departure of service: Country

(b) Place of destination of service: Country

Principal route of service and border crossing points

.....
.....
.....
.....

3. Date of provision of the service

4. Registration number of the bus(es) or coach(es):

.....
.....

5. Other conditions:

.....
.....

6. Passenger list attached.

.....
(Stamp of authority issuing authorisation)

(Third page of authorisation)

To be worded in the official language(s) or one of the official languages
of the Contracting Parties issuing the authorisation

Important notice

1. The authorisation is valid for the entire journey. It may only be used by a transport operator whose name and registration number of the bus or coach is indicated thereon.
2. The authorisation shall be kept on the bus or coach for the duration of the journey and shall be presented whenever enforcement officials so request.
3. The list of passengers is to be annexed to this authorisation.

MODEL OF DECLARATION TO BE MADE BY INTERBUS CONTRACTING PARTIES CONCERNING ARTICLE 4 AND ANNEX 1

Conditions applying to road passenger transport operators

Declaration by (Name of the Contracting Party) Concerning Article 4 and Annex 1

1. The three conditions established in Title I of Council Directive 96/26/EC of 29 April 1996 on admission to the occupation of road haulage operator and road passenger transport operator and mutual recognition of diplomas, certificates and other evidence of formal qualification intended to facilitate for these operators the right to freedom of establishment in national and international transport operations (OJ L 124, 23.5.1996, p. 1), as last amended by Council Directive 98/76/EC of 1 October 1998, (OJ L 277, 14.1.1998, p. 17).

(a) have been introduced in the national legislation by (reference to the Law);

(b) will be introduced in the national legislation (date).

2. As far as the condition concerning the 'appropriate financial standing' is concerned, the existing legislation establishes that the transport operator must have available capital and reserves of at least:

— EUR (or equivalent in national currency) per vehicle used or

— EUR (or equivalent in national currency) per seat of the passenger transport buses or coaches used by the transport operator.

It is envisaged that the amount of the 'appropriate financial standing' will be adapted to the requirements of Directive 96/26/EC on (date, or no later than 1.1.2005).
