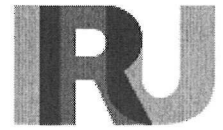


Violeta BULC  
Commissioner for Transport  
European Commission  
Rue de la Loi 200  
1049 Brussels



By email

Brussels, 3 November 2017

**Upcoming revision of Regulation (EC) No 1073/2009/EC on common rules for access to the international market for bus and coach services**

Dear Commissioner Bulc,

As the European Commission services prepare to launch the revision of Regulation (EC) No 1073/2009 on common rules for access to the international market for coach and bus services, IRU – as the association representing the interests of bus and coach operators at European level – would like to formulate a number of remarks and suggestions in view of the upcoming co-decision procedure, notably regarding the expected extension of the scope of the Regulation to domestic regular markets.

While IRU supports the general objectives of the revision of Regulation (EC) No 1073/2009, IRU recommends a cautious approach when it comes to the organisation of domestic regular markets.

IRU indeed supports the establishment of a common EU framework for the non-discriminatory access to domestic markets, with the objective to guarantee fair and efficient competition in all domestic markets and foster business initiatives to the benefit of passengers. However, this common framework should not impact negatively well-functioning domestic markets with a satisfactory level of competition, irrespective of their current organisation model.

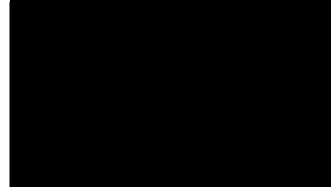
IRU's proposals in this respect are twofold:

- IRU asks the European institutions to guarantee that the principle of liberalisation of domestic markets does not impact local and intercity bus and coach services covered by public service contracts awarded following a competitive tendering procedure, in accordance with Regulation (EC) No 1370/2007. EU Member States should retain the possibility to protect these bus and coach services, irrespective of the distance between stops, via exclusive rights or via the analysis by the competent authorities of the economic equilibrium of the relevant public service contracts and routes.
- IRU proposes to introduce two different levels of protection of public services contracts, depending on whether these contracts are awarded directly to internal operators or following a competitive tendering procedure. IRU considers that the level of protection should be lower for internal operators supplying bus, coach and rail services, benefitting from direct award procedures and bearing a lower financial risk than for operators supplying bus and coach services

awarded following a competitive tendering procedure and bearing a higher financial risk. Public service contracts awarded directly to internal operators should be protected only if the viability of the entire network would be affected by commercial bus and coach services.

We would indeed appreciate the immediate attention of your services to this matter. It goes without saying that IRU remains at your disposal should you or your services have any questions or require additional information.

Yours sincerely,



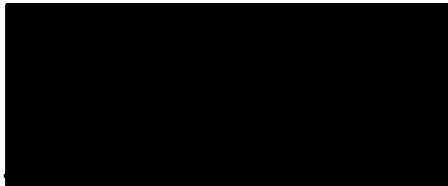
IRU Vice President



Brussels, 17 01. 2018  
Ares(2018)

**VIOLETA BULC**

Member of the European Commission



Dear [REDACTED]

I appreciate you updating me on the position of the IRU with regards to the proposal to revise Regulation (EC) No 1073/2009 on common rules for access to the international market for coach and bus services adopted by the Commission on the 8 November 2017. I especially appreciate that you support the general objectives of the revision.

However, I am surprised to find that IRU now proposes the introduction of two different levels of protection for public service contracts depending on the way in which it is awarded. In earlier correspondence with the Commission and during the stakeholder consultation the IRU indicated that it supported the objective of limiting the right of market access to where a Member State considers the new service would seriously affect a comparable service covered by one or more public service contracts.

As you are aware the Commission aims to ensure that EU actions are based on evidence and an understanding of the impacts of measures it proposes. During the impact assessment stage the Commission assessed the expected impact of the measures that the IRU indicated it supported during the stakeholder consultation. In this context it is unfortunate that your latest proposal has been brought to my attention at this late stage of the process.

I believe you are meeting with my colleagues in DG MOVE to discuss this issue. I will be keeping myself closely informed on the results of these discussions. Finally, I take this opportunity to express my desire to continue our close cooperation in dealing with the coach and bus transport sector.

Yours sincerely,



Violeta BULC

