



Brussels, 16.5.2018
COM(2018) 290 final

2018/0151 (NLE)

Proposal for a

COUNCIL DECISION

**on the signing, on behalf of the European Union, of a Protocol
amending the Agreement on the international occasional carriage of passengers by
coach and bus (Interbus Agreement) by extending the possibility of accession to the
Kingdom of Morocco**

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

The Interbus Agreement on the international occasional carriage of passengers by coach and bus ⁽¹⁾ entered into force on 1 January 2003. The Agreement was later updated by Decision No 1/2011 ⁽²⁾ of the Joint Committee set up in Article 23 of the Agreement.

The geographical scope of the Interbus Agreement is restricted to the member countries of the European Conference of Ministers of Transport (ECMT). Apart from the European Union, Republic of Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Republic of Moldova, Montenegro, Republic of Turkey and Ukraine are currently Contracting Parties to the Agreement. Other ECMT members can join the Agreement.

On 5 December 2014, the Council authorised the Commission to open negotiations to amend the Interbus Agreement with a view to enlarging its geographical scope to the Kingdom of Morocco.

Three negotiating sessions were held with the Contracting Parties, in consultation with a Special Committee designated by the Council. The Member States were invited to take part as experts on each occasion.

In the meeting on 10 November 2017 the Contracting Parties present agreed to the text as stable and finalised. A period for signature was agreed upon. Three Contracting Parties from Eastern and South Eastern Europe were present (Republic of Moldova, Montenegro and Ukraine). Furthermore, two Contracting Parties (Albania and Turkey) had earlier expressed their positive view to the text in writing.

The Interbus Agreement is open to accession by countries which are full members of the ECMT. The Kingdom of Morocco is not a full member but has an observer status in the ECMT since 2006.

The Agreement should provide a clear legal basis for the accession of the Kingdom of Morocco. From the documents available, the Commission cannot assume that the ITF created in May 2006 by Ministers from 43 countries has replaced and succeeded to the ECMT, which would allow the accession to the Agreement by any ITF member in accordance with Article 30(1) of the Agreement.

The attached draft Protocol adds the Kingdom of Morocco to the list of countries mentioned in Article 30(2) which may accede to the Interbus Agreement. Article 30(2) already lists the Republic of San Marino, the Principality of Andorra and the Principality of Monaco.

The possible accession of the Kingdom of Morocco to the Interbus Agreement will contribute to developing international passenger transport relations, tourism and cultural exchange

¹ OJ L 321, 26.11.2002, p. 11.

² Decision No 1/2011 of the Joint Committee established under the Interbus Agreement on the international occasional carriage of passengers by coach and bus of 11 November 2011 adopting its rules of procedure and adapting Annex 1 to the Agreement regarding the conditions applying to road passenger transport operators, Annex 2 to the Agreement concerning the technical standards applying to buses and coaches and the requirements concerning the social provisions referred to in Article 8 of the Agreement (2012/25/EU) (OJ L 8, 12.1.2012, p. 38).

beyond those countries that are currently Parties to the Interbus Agreement and facilitate their organisation.

- **Consistency with existing policy provisions in the policy area**

The proposed Protocol in the Attachment to this Council Decision is in line with and complements the EU's road transport policy. It supports access of EU's neighbouring countries to the EU passenger transport market (and vice versa) creating a regulatory framework for organising cross-border tourism in both directions.

- **Consistency with other Union policies**

The proposal is consistent with the EU's neighbourhood policy and external relations.

2. LEGAL BASIS

The legal basis for the proposal is Article 91 TFEU in combination with Article 218(5) TFEU.

- **Choice of the instrument**

Article 218(5) TFEU provides for a Council Decision as the applicable instrument.

3. COLLECTION AND USE OF EXPERTISE AND IMPACT ASSESSMENT / SIMPLIFICATION

- **Collection and use of expertise and impact assessment**

In drafting this proposal the Commission has received input from – among other sources – Member States experts that have been involved in the preparation of the negotiations.

The expected impacts are positive: opening of the Interbus Agreement to one more country would offer new opportunities to both the existing Contracting Parties and the Kingdom of Morocco. As it helps extending the EU acquis in the field of passenger transport to that country, it will have positive impacts on the technical, economic and social conditions under which the relevant operations are carried out. The overall environmental impact would be limited.

- **Simplification**

Widening the geographical scope of the rules applicable to occasional coach and bus passenger transport operations under the Interbus Agreement will contribute to simplifying the conduct of such operations with another third country.

As hitherto, the operators can be SMEs with a smaller fleet of coaches or buses or larger companies with larger fleets.

4. BUDGETARY IMPLICATIONS

None.

5. OTHER ELEMENTS

• **Monitoring, evaluation and reporting arrangements**

The functioning of the Interbus Agreement is evaluated every five years by the Joint Committee set up in Article 23 of the Agreement.

Further procedure

The Commission considers that it is necessary to initiate the procedure with a view to signing and subsequently concluding the draft Protocol. Consequently, the Commission is hereby submitting to the Council this proposal for a Council Decision on the signing of the amending draft Protocol to the Agreement on the international occasional carriage of passengers by coach and bus (Interbus Agreement) by extending the possibility of accession to the Kingdom of Morocco.

• **Detailed explanation of the specific provisions of the proposal**

Specific provisions of the proposed Council Decision:

- Article 1 provides for the signing of the draft Protocol to extend the Interbus Agreement towards a possible accession by the Kingdom of Morocco.
- Article 2 authorises the negotiator of the Protocol to indicate the person(s) empowered to sign the draft Protocol on behalf of the Union.
- Article 3 concerns the entry into force of the Council Decision.

Specific provisions of the Attachment to the proposed Council Decision:

- Article 1 provides for an amendment to the Interbus Agreement on the international occasional carriage of passengers by coach and bus giving the Kingdom of Morocco the option to accede to the Agreement.
- Articles 2 to 6 cover the administrative procedures for the Protocol to enter into force and include provisions on the language regime.

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(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union and, in particular Article 91, in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission¹,

Whereas:

- (1) In accordance with Council Decision 2002/917/EC², the Agreement on the international occasional carriage of passengers by coach and bus (Interbus Agreement) was concluded, on behalf of the Union, on 3 October 2002 and entered into force on 1 January 2003³.
- (2) On 5 December 2014, the Council authorised the Commission to open negotiations to amend the Interbus Agreement with a view to enlarging its geographical scope, so as to allow the Kingdom of Morocco's accession, currently not provided for therein. The Commission has negotiated, on behalf of the European Union, a Protocol amending the Agreement by extending the possibility of accession to the Kingdom of Morocco. The negotiations were concluded on 10 November 2017.
- (3) A possible accession of the Kingdom of Morocco to the Interbus Agreement should contribute to developing international passenger transport relations, tourism and cultural exchange beyond those countries that are currently Parties to the Interbus Agreement. The Kingdom of Morocco, which does not have full membership of the European Conference of the Ministers of Transport but an observer status, which is not sufficient for accession to the Interbus Agreement, should be given the opportunity to accede to the Agreement.
- (4) Therefore, the draft Protocol to the Interbus Agreement should be signed on behalf of the Union, subject to its conclusion at a later date,

¹ COM(2018)290

² Council Decision 2002/917/EC of 3 October 2002 on the conclusion of the Interbus Agreement on the international occasional carriage of passengers by coach and bus (OJ L 321, 26.11.2002, p. 11).

³ OJ L 321, 26.11.2002, p. 44.

HAS ADOPTED THIS DECISION:

Article 1

The signing of the Protocol amending the Agreement on the international occasional carriage of passengers by coach and bus (Interbus Agreement) by extending the possibility of accession to the Kingdom of Morocco is hereby approved on behalf of the Union, subject to its conclusion.

The text of the Protocol to be signed is attached to this Decision.

Article 2

The Council Secretariat General shall establish the instrument of full powers to sign the Protocol, subject to its conclusion, for the person(s) indicated by the negotiator of the Protocol.

Article 3

This Decision shall enter into force on the date of its adoption.

Done at Brussels,

*For the Council
The President*