

EXPLANATORY MEMORANDUM ON THE AGREEMENT ON THE INTERNATIONAL OCCASIONAL CARRIAGE OF PASSENGERS BY COACH AND BUS (INTERBUS AGREEMENT)

AND

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

AND

THE PROTOCOL TO THE AGREEMENT ON THE INTERNATIONAL OCCASIONAL CARRIAGE OF PASSENGERS BY COACH AND BUS (INTERBUS AGREEMENT) REGARDING THE INTERNATIONAL REGULAR AND SPECIAL REGULAR CARRIAGE OF PASSENGERS BY COACH AND BUS

TITLE OF TREATY

The agreement on the international occasional carriage of passengers by coach and bus (Interbus Agreement)

And

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

And

The protocol to the agreement on the international occasional carriage of passengers by coach and bus (Interbus Agreement) regarding the international regular and special regular carriage of passengers by coach and bus

Command Paper Number: 9699

SUBJECT MATTER

1. The Interbus Agreement is a multilateral treaty currently in force between eight contracting parties; the European Union, Albania, Bosnia and Herzegovina, Former Yugoslav Republic of Macedonia, Moldova, Montenegro, Turkey and Ukraine. The agreement is managed by a Joint Committee, made up of representatives of the contracting parties. The agreement currently allows for liberalised occasional coach travel (for example, coach holidays and tours) between the parties.
2. It is also proposed that the agreement is extended to allow regular (i.e. scheduled) coach services to take place between the parties, and a protocol to this end was opened for signature in Brussels on 16 July 2018. The protocol will also provide for ‘special regular’ services, which are regular services for the use of specific categories of people only (for example, cross-border services to take passengers to school or workplaces).
3. The agreement requires contracting parties to apply EU standards in matters such as operator licensing, technical vehicle standards, and social legislation (e.g. driving hours limits) in respect of international services under the agreement.
4. With those conditions met, coach operators may undertake international journeys such as coach tours, holidays or private hire trips between contracting parties. They must have on board a completed control document, which includes an itinerary and passenger list.
5. The protocol to the agreement which would permit international regular services between contracting parties establishes an authorisation procedure for such services.
6. Neither the agreement nor the protocol to the agreement permit cabotage – that is, an operator from one contracting party may not operate a domestic service in another contracting party. This includes any domestic service that is part of a longer international service.

MINISTERIAL RESPONSIBILITY

7. The Secretary of State for Transport is the minister with lead responsibility for UK policy on international travel agreements. The Secretary of State for Foreign and Commonwealth Affairs has overall responsibility for the conclusion and implementation of treaty obligations.

POLICY CONSIDERATIONS

General

8. This explanatory memorandum does not address or account for any separate negotiation concerning the Future Economic Partnership between the UK and the EU. Our overall aim remains to maintain and develop existing levels of

transport connectivity with the EU without the need for new transport documents or systems.

9. The UK currently applies the Interbus Agreement (from here referred to as “Interbus”) by virtue of being an EU Member State, but continued membership once we leave the EU will require us to join the agreement in our own right. The UK meets the agreement’s criterion to be an independent contracting party, which is to be a full member of the European Conference of Ministers of Transport (ECMT).
10. UK accession to Interbus would provide continuity in current access rights to the eastern European (non-EU) contracting parties for UK operators after EU Exit. It is likely that services between the UK and those contracting parties are relatively few; nevertheless, we would wish to retain those rights. However, Interbus would also be a contingency option for coach travel between the UK and EU in the event that we left the EU without a negotiated arrangement that provided for international coach travel.
11. The Interbus provisions largely mirror the provisions that provide for international coach travel within the EU. The most substantive differences are:
 - a. Interbus does not permit cabotage (operation of domestic journeys in one contracting party by an operator based in another). For example, the protocol for regular services would not permit a UK operator to run an international service from London that picked up and dropped off a passenger within another contracting party;
 - b. The protocol for regular services would introduce an authorisation procedure based on the EU model, but with a longer permitted period for authorisations to be determined (four months rather than two), and;
 - c. The EU law which contracting parties must apply in respect of international services under the agreement is updated at intervals by decision of the Joint Committee, rather than by any more automatic mechanism.
12. The EU law which the agreement currently requires contracting parties to apply is already in place in the UK through our EU membership. In the future, independent accession to Interbus would require us to apply updated or new EU law to international coach operators and their drivers and/or vehicles, should the Joint Committee (of which we would be a member) decide to update the agreement.

Financial

13. As the UK is currently a member of Interbus through membership of the EU, joining in our own right provides continuity of benefit and cost.
14. The protocol for extension to regular services would introduce an authorisation procedure analogous to the current EU authorisation procedure –

the extra cost of handling such authorisations for services between the UK and the non-EU contracting parties is expected to be negligible given the low level of coach travel for that distance.

Reservations and Declarations

15. No reservations and declarations are anticipated.

Implementation

16. The current provisions of Interbus (i.e. in respect of international occasional services) are already applied in the UK.
17. The Government intends to lay a Statutory Instrument before Parliament later this autumn that will provide an updated legislative basis for the agreement's operation within Great Britain, and a similar provision for Northern Ireland will follow in due course.
18. The protocol for extension to regular services was opened for signature in Brussels on 16 July 2018, and it will take effect for the contracting parties who sign it on the first day of the third month after a minimum of four parties have signed. The protocol is open for signature for existing contracting parties for nine months, so it may come into effect in a time period ranging from three to 12 months.
19. The One-In, Three-Out (OITO) Rule has been considered but is not applicable.

Consultation

20. Road passenger transport is a devolved matter in Northern Ireland, and the Northern Ireland administration has been consulted.

**THE RT HON CHRIS GRAYLING MP
SECRETARY OF STATE FOR TRANSPORT**