



*European Economic and Social Committee*

**TEN/698**

**Bilateral road transport agreements between  
Switzerland and Germany and between Switzerland and Italy**

## **OPINION**

European Economic and Social Committee

**Proposal for a decision of the European Parliament and of the Council empowering Germany to amend its existing bilateral road transport agreement with Switzerland with a view to authorising cabotage operations in the course of international road passenger transport services by coach and bus in the border regions between the two countries**

[COM(2019) 221 final]

**Proposal for a decision of the European Parliament and of the Council empowering Italy to negotiate and conclude an agreement with Switzerland authorising cabotage operations in the course of international road passenger transport services by coach and bus in the border regions between the two countries**

[COM(2019) 223 final]

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Referral	European Council, 23/05/2019 European Parliament, 17/07/2019
Legal basis	Article 91 of the Treaty on the Functioning of the European Union
Section responsible	Transport, Energy, Infrastructure and the Information Society
Adopted in section	11/09/2019
Adopted at plenary	25/09/2019
Plenary session No	546
Outcome of vote (for/against/abstentions)	110/0/1

## 1. Conclusions and recommendations

- 1.1 The EESC is pleased that the Commission has followed up on the requests made by Germany and Italy to be able to conduct negotiations with the Swiss Confederation on new provisions providing for cross-border cabotage operations in road passenger transport services by coach and bus between border regions.
- 1.2 The Committee endorses the two proposals for a decision submitted by the Commission in response to written requests from the two Member States concerned, which have been met with equally strong interest on the part of Switzerland.
- 1.3 The EESC would however point to the need to focus on sustainability policies: the carriage of passengers and goods in the Alpine region must be aligned with such requirements, in accordance with the protocol on transport appended to the 2002 Alpine Convention, to which the three interested countries and the EU itself are signatories.
- 1.4 The Committee considers that the competitive development of carriers engaged in cabotage operations in international road passenger transport services by coach and bus should be flanked by compliance with the new agreements appended to the 1999 EU-Switzerland Agreement, Regulation (EC) No 1370/2007 safeguarding the general economic interest and the Agreement of 1 December 2010 of the European Parliament and of the Council on the rights of coach and bus and car passengers, particularly passengers with reduced mobility.
- 1.5 Lastly, the EESC recommends that these negotiations be supported **by dialogue between the social partners of the countries concerned**, in order to support both the process of opening up to cabotage operations in cross-border road passenger transport and the changes brought about by this process in the specific regions in which it applies, **without discrimination between operators established in the EU and without any distortion of competition**.
- 1.6 The Committee considers that the Member States concerned should notify the agreements to the Commission and that the Commission should inform the Council, the European Parliament, the Committee of the Regions and the EESC itself.

## 2. Introduction

- 2.1 The carriage of passengers and goods is one of the seven areas on which Switzerland and the European Union have reached an agreement. At the meetings of the Council of Ministers on 30 November and 1 December 1998, the Swiss Confederation and the European Community signed a political agreement on the carriage of passengers and goods by rail and road, as pointed out in an EESC opinion<sup>1</sup>. The other areas were free movement of workers, free trade in agricultural products, technical barriers to trade, access to public or semi-public enterprises, research and, lastly, air transport.

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<sup>1</sup> [OJ C 329, 17.11.1999, p.1.](#)

- 2.2 The rules governing the carriage of goods and passengers by road between the EU and the Swiss Confederation are set out in the agreement which was signed on 21 June 1999. This agreement entered into force on 1 June 2002 and applies to the international carriage of goods by road for hire or reward for journeys carried out within the territory of:
- the 28 EU Member States: Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Spain, the Slovak Republic, Slovenia, Sweden and the United Kingdom;
  - the three EFTA (European Free Trade Association) countries which are party to the agreement on the European Economic Area (EEA): Iceland, Liechtenstein and Norway;
  - Switzerland.
- 2.3 In order to carry out the international carriage of goods for hire or reward to or through or to move empty vehicles between the European Union and Switzerland, Community carriers must be in possession of the Community licence provided for by Regulation (EC) No 1072/2009 of 21 October 2009, which lays down the European legislative framework establishing categories of international passenger transport by coach and bus. This framework is subdivided into three groups: regular services, special regular services and occasional services.
- 2.4 Regulation (EC) No 1073/2009 laid down common rules on access to the international market in coach and bus transport services. It established that cabotage operations within the EU may be carried out, under certain conditions, exclusively by carriers in possession of a Community licence. Regulation (EC) No 361/2014 establishes how Regulation No 1073/2009 applies to the documents required for international passenger transport by coach and bus.
- 2.5 The EU has exclusive competence – under Article 3(2) of the TFEU – to conclude international agreements, where this process is provided for in a legislative act of the EU, is necessary to enable the EU to perform its responsibilities internally, or insofar as this may have an impact on common rules or amend their scope.
- 2.6 In accordance with Article 14 of the 1999 agreement between the EU and the Swiss Confederation: "Transport between two points situated on the territory of a Member State of the Community by a Swiss-registered vehicle and transport between two points situated on Swiss territory by a vehicle registered in a Member State of the Community are not authorised under this Agreement."
- 2.7 Furthermore, Article 20 of this agreement establishes that coach and bus operators established in Switzerland may not carry passengers between two points on the border situated on the side of the neighbouring countries, and vice versa in the territory of Switzerland. However, rights stemming from bilateral agreements concluded between individual EU Member States and Switzerland, which were in force when the EU agreement was concluded, may continue to be exercised provided there is no discrimination between EU carriers and no distortion of competition.
- 2.8 Given that there are no previous agreements between Switzerland and Italy governing cabotage rights for the carriage of passengers by coach and bus and given that the previous 1953 bilateral

road transport agreement between Germany and Switzerland did not cover passenger cabotage rights between the two countries, at the request of the two above-mentioned Member States and following the interest indicated by Switzerland at the meeting in June 2018 of the EU-Switzerland Inland Transport Committee, two explicit acts by the Council and the European Parliament are required in order to authorise:

- the amendments to the Swiss-German agreement, with a view to including cabotage operations in international road passenger transport in the border regions of Switzerland and Germany;
- Italy to negotiate and conclude an agreement on this subject with Switzerland.

2.9 The EU border regions explicitly indicated in the articles would be:

- as regards Germany: the administrative districts of Freiburg and Tübingen in Baden-Württemberg and the administrative district of Swabia in Bavaria;
- as regards Italy: the regions of Piedmont and Lombardy and the autonomous regions of Valle d'Aosta and Trentino-Alto Adige.

2.10 At its meeting on 18 July 2019, the General Affairs Council gave the green light to both dossiers, provided that:

- the geographical limitations on operations in both the specified areas were upheld;
- there was no discrimination between carriers established in the EU;
- there was no distortion of competition.

### 3. **The Commission proposals**

3.1 The objectives of the two Commission proposals are as follows:

- as regards Germany: to enable Germany to amend the existing bilateral road transport agreement with Switzerland in order to allow for cabotage operations in international road passenger transport by coach and bus in the border regions between the two countries;
- as regards Italy: to enable Italy to negotiate and conclude an agreement with Switzerland authorising cabotage operations in international road passenger transport by coach and bus in the border regions between the two countries.

3.2 In order to safeguard the efficient operation of the European internal market, the granting of authorisation to negotiate for cabotage operations in passenger road transport are subject to three conditions:

- there must be no discrimination between carriers established in the EU;
- there must be no distortion of competition;
- such operations must apply only in the precise geographical limits of the pre-established border regions.

3.3 The Commission considers that these agreements on cabotage operations in road passenger transport should increase the load factor of the vehicle and thus the efficiency of transport operations. This would enable the carriers involved to become more competitive and foster the closer integration of the border regions.

#### 4. **Comments**

- 4.1 The Committee endorses the two Commission proposals for a decision, based on the requests from the two Member States and the interest indicated by the Swiss Confederation.
- 4.2 The EESC considers that it is important to draw attention to the need to implement a sustainable policy which aims to reduce the negative effects and risks stemming from transport within and across the Alps, in line with:
- the protocol on transport appended to the 2002 Alpine Convention, to which the three interested countries and the EU itself are signatories;
  - the report on the "Ecological quality of passenger and goods transport in the Alpine area".
- 4.3 The Committee considers that the competitive development of carriers engaged in cabotage operations in international road passenger transport services by coach and bus should be flanked by compliance with the new agreements appended to the above-mentioned EU-Switzerland Agreement and, in particular, Regulation (EC) No 1370/2007 on public passenger transport services by rail and by road and the Agreement of 1 December 2010 of the European Parliament and of the Council on the rights of coach and bus and car passengers.
- 4.4 Lastly, the EESC recommends that these negotiations be supported by dialogue between the social partners of the countries concerned, so that the process of opening up to cross-border cabotage operations is supported by the appropriate information and training designed to guarantee decent living and working conditions for the carriers concerned.

Brussels, 25 September 2019.

Luca JAHIER

The president of the European Economic and Social Committee

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