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COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
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To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2020) 769 final
Subject:	Proposal for a COUNCIL DECISION on the conclusion, on behalf of the European Union, 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

Delegations will find attached document COM(2020) 769 final.

Encl.: COM(2020) 769 final



Brussels, 30.11.2020
COM(2020) 769 final

2020/0341 (NLE)

Proposal for a

COUNCIL DECISION

on the conclusion, on behalf of the European Union, 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

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

- **Reasons for and objectives of the proposal**

In accordance with Council Decision (EU) 2020/[ADD REFERENCE number] ⁽¹⁾, 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 was signed by the Union on [...2020], subject to its conclusion at a later date.

The geographical scope of the Interbus Agreement is restricted to the member countries of the European Conference of Ministers of Transport (ECMT) and those countries mentioned in Article 30(2) of the Interbus Agreement. Apart from the European Union, the Republic of Albania, the Principality of Andorra, Bosnia and Herzegovina, the Republic of Moldova, Montenegro, the Republic of North Macedonia, the Republic of Turkey and Ukraine are currently Contracting Parties to the Agreement.

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.

The Interbus Agreement should provide a clear legal basis for the accession of the Kingdom of Morocco.

The 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 ⁽²⁾ to the Interbus Agreement will contribute to further developing international passenger transport relations, tourism and cultural exchange beyond those countries that are currently Parties to the Interbus Agreement and facilitate their organisation.

Indeed it should be recalled that international carriage of passengers by coach and bus is an important sectors providing mobility to European citizens with an affordable price structure. Their further development beyond the EU would equally benefit EU citizens, foreign tourists, the tourist industry and European regions.

The possibility of market access should be offered to the Kingdom of Morocco based on the provisions of the Interbus Agreement subject to implementation of the EU acquis in the field of road passenger transport, including road safety, technical provisions, driver qualifications, social rules, passenger rights, environment and admission to the occupation.

¹ OJ L [...], [...], p. [...].

² In view of the case law of the Court in cases C-266/16, C-104/16P, T-275/18 and T-180/14, the agreement will be applicable to the territory of the Kingdom of Morocco, but will not be applicable in the non-self-governing territory of the Western Sahara.

In order to avoid governance issues, all Contracting Parties to the Interbus Agreement should sign and approve or ratify the Protocol on the Kingdom of Morocco before the country can join.

In order to allow the Contracting Parties to the Interbus Agreement to sign and conclude the Protocol, it is appropriate that the Protocol should not provide for a specific period during which it is open for signature.

The entry into force of the Protocol is the first day of the month following that when all Interbus Contracting Parties have signed and approved or ratified it.

One Contracting Party has changed its denomination to the Republic of North Macedonia, which should be reflected in the Protocol.

The Protocol now also indicates that the Principality of Andorra has become a Contracting Party to the Interbus Agreement.

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

The Protocol 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. **RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS**

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

The expected overall 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.

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

- **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.

3. LEGAL ELEMENTS OF THE PROPOSAL

Legal Basis

The legal basis is the Treaty on the Functioning of the European Union (TFEU), and in particular the substantive legal basis, Article 91 TFEU, in conjunction with Article 218(6)(a) TFEU.

- **Choice of the instrument**

Article 218(6)(a) TFEU provides for a Council Decision as the applicable instrument.

4. BUDGETARY IMPLICATIONS

None.

5. OPTIONAL ELEMENTS

- **Monitoring, evaluation and reporting arrangements**

The functioning of the Interbus Agreement will be 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 the view to concluding the Protocol. Consequently, the Commission is hereby submitting to the Council this Proposal for a Council Decision on the conclusion, on behalf of the Union, 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.

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

Specific provisions of the Proposed Council Decision:

- Article 1 of the Council Decision provides for the conclusion, on behalf of the Union, of the Protocol amending the Interbus Agreement by extending the possibility of accession to the Kingdom of Morocco.
- Article 2 concerns the powers to conclude the Protocol.
- Article 3 provides for the entry into force of the Council Decision.

Specific provisions of the Protocol:

- Article 1 provides for an amendment to the Interbus Agreement on the international occasional carriage of passengers by coach and bus by 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, provide that all Contracting Parties have to sign and accede to or ratify the Protocol before it enters into force and, hence, the Kingdom of Morocco can join the Agreement, and include provisions on the language regime.

- Article 7 provides that this Protocol replaces the Protocol on the Kingdom of Morocco which was open for signature between 16 July 2018 and 16 April 2019.

Proposal for a

COUNCIL DECISION

on the conclusion, on behalf of the European Union, 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

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(6)(a) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

- (1) In accordance with Council Decision (EU) No 2020/[ADD REFERENCE number]¹ 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 ('the Protocol') was signed by the Union on [date] 2020, subject to its conclusion at a later date.
- (2) In order to avoid governance issues, all Contracting Parties to the Interbus Agreement would have to sign and approve or ratify the Protocol on the Kingdom of Morocco before the Protocol enters into force and this country can join. There is no specific period during which the Protocol will be open for signature. The Protocol would enter into force on the first day of the month following ratification by all Contracting Parties.
- (3) Furthermore, the Protocol takes the change of the denomination of a Contracting Party, North Macedonia, into consideration. The Protocol now also refers to the Principality of Andorra that has become a Contracting Party to the Interbus Agreement.
- (4) For reasons of clarity and in order to facilitate the signature and entry into force of the Protocol, it has been considered appropriate to prepare a new Protocol on the Kingdom of Morocco replacing the Protocol on the Kingdom of Morocco which was open for signature between 16 July 2018 and 16 April 2019.

¹ Council Decision (EU) 2020/[ADD REFERENCE number] of [date] on 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 (OJ L, 2020, p.).

- (5) 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. A possible accession of the Kingdom of Morocco to the Interbus Agreement should also help extending the Union acquis in the field of passenger transport to that country. That should have positive impacts on the technical, economic and social conditions under which the relevant operations are carried out. Therefore, the Kingdom of Morocco, which has an observer status in the European Conference of Ministers of Transport should be given the opportunity to accede to the Interbus Agreement.
- (6) Therefore, the Protocol should be approved on behalf of the Union,

HAS ADOPTED THIS DECISION:

Article 1

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

The text of the Protocol is attached to this Decision.

Article 2

The President of the Council shall designate the person empowered to proceed, on behalf of the European Union, to the deposit of the instrument of approval provided for in Article 3 of the Protocol, in order to express the consent of the European Union to be bound by the Protocol.

Article 3

This Decision shall enter into force on the day of its adoption².

Done at Brussels,

For the Council
The President

² The date of entry into force of the Protocol will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.