



# Economic and Social Council

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## Economic Commission for Europe

Inland Transport Committee

Working Party on Road Transport

### **Small Group of Experts on the Multilateral Agreement on International Regular Transport by Bus and Coach- omniBUS (16 March 2010)**

#### **I. Background**

1. At its 104<sup>th</sup> session (19-21 October 2009), the UNECE Working Party on Road Transport (SC.1) decided to create a small group of experts to further develop the proposal for a multilateral agreement on the international regular transport of passengers by bus and coach (OmniBUS). The secretariat was requested to take all the necessary measures for preparing these meetings, with the support of the International Road Transport Union (IRU).
2. The first meeting of the Ad Hoc Group of Experts representing nine UNECE member States and the IRU took place on 16 March 2010 in Geneva.
3. Participation in the small group is open to all UNECE member States' national experts.

#### **II. Election of officers**

4. Mr. Daniel Crochemore (France) was elected Chairman, and Mr Anatoly Pinson (Russian Federation) Vice-Chairman of the Ad-Hoc Group of Experts.

#### **III. Presentation of OmniBUS: rationale, background and main element**

5. The IRU made a presentation of the proposed multilateral agreement.

#### **IV. Discussions on the principles of the agreement: objective, missing elements, potentially conflicting issues, expectations**

6. Delegates expressed their support in principle to the proposed agreement, whilst at the same time underlining some potentially difficult issues that need to be solved, including problems arising from the translation of the original English text into French and Russian. In this regard the delegates were invited to send to the Secretariat any observation they may have on the French and Russian translations of OmniBUS.

7. The delegation of France presented, as an example, the multilateral protocol concluded between Belgium, Spain, France and Morocco on 18 February 2008 on the harmonization of practices regarding the international road transport of passengers by road. Similarities and differences between this Protocol and the proposed OmniBUS Agreement were presented as well.

#### **V. Discussion on the proposed text of OmniBUS**

##### **A. Agreement was reached on:**

- On the texts of the preamble, the definitions and articles 1-7;
- A definition of “bus and coach terminal” will be added to Article 2, bearing in mind the wording of Article 15.4 and 15.5;
- The principle of “cabotage” (Article 2.3) was accepted, but only under the condition that the host country would allow it (to be specifically mentioned in the authorization). The definition of cabotage for regular services, as adopted in the new EU Regulation (EC) 1073/2009, will become part of OmniBUS. The proposed 25% reference maximum threshold was deleted.
- Transit countries on whose territories passenger are neither picked up nor set down will also have the right to give their agreement (Article 6.1.) to the Authorizing Authority on the application for the authorization;
- The principle of “partnership” has been reintroduced (Article 6.3), meaning that international regular services shall be carried out under a partnership agreement (contract) between companies from the partner countries on whose territories the service runs;
- Companies from transit countries where passengers are picked up or set down will have the right to join the partnership agreement/contract;
- The application for authorization shall be submitted to the competent authority of the country of establishment (Article 8.1).

##### **B. It was not possible to reach an agreement at this stage on:**

- Article 4, on transparency, the majority’s view being to retain it under a reworked form. The issue will be discussed at the next Ad-Hoc Group meeting;
- Article 6.4, on how to deal with new or multiple applications submitted at the same time for one and the same line.

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### **C. Additional issues raised by participants**

- The majority of delegates present in the meeting was in favour of abandoning the list of passengers (passenger waybill, Annex 3), some of them preferring other means to control cabotage, such as price lists;
- The rationale of Chapters IV and V, dealing with safety and environmental provisions, as well as with service quality and facilitation, is contested by some delegates. In particular, the relevance of Article 16, related to visa facilitation for professional drivers, was questioned as being out of the scope of such an agreement;
- Several delegates raised strong concerns on the provision (Article 14.3) requesting that random inspections shall only be carried out at terminals;
- Some delegates have difficulties with the proposed duration (3 months) of issuing the authorization (Article 8.7), arguing that it should be at least 4 months;
- The tacit agreement provision (Article 8.7), in case if partner authorities fail to respond within the reference period of two months, is contested by several delegates;
- The obligatory insurance concerning liability towards third parties, as foreseen in Article 8.1.c & Article 20) may need to be reviewed;
- The need to add (Article 8.10) an additional condition to refuse an authorization, namely, when a service under public service contract is threatened, was raised;
- The need the study in more depth the proposed arbitration procedure (Article 8.17);
- The issue of data protection (Chapter VI) was also raised;
- The need to reflect more in depth about partnership agreements, bearing in mind the currently applicable (in bilateral agreements) principle of parity, and, in particular, partnership agreements among operators from various countries, was raised;
- The need to possibly enlarge the list of control documents (Article 11), as well as to add some additional elements to the annexes (i.e. add a schedule to Annex II);
- One delegate spoke against the principle of cabotage within the framework of international regular lines.

## **VI. Conclusions and next steps**

9. Delegates were requested to send their comments in writing to the UNECE Secretariat at [Virginia.Tanase@unece.org](mailto:Virginia.Tanase@unece.org) at their earliest convenience.

10. A revised version of the text of the Agreement as contained in document ECE/TRANS/SC.1/2008/4 will be produced by the Secretariat, taking into account the comments and proposals agreed upon by delegates.

11. The next meeting of the Ad-Hoc Group of Experts on OmniBUS will take part on 3 September 2010 in Geneva. The UNECE Secretariat will send the appropriate invitation in due time.

12. In the meantime, the Ad-Hoc Group on OmniBUS will continue its work, animated by the Secretariat, via e-mail exchanges, with the objective to submit a first revised text of OmniBUs at the next meeting of SC.1, to take place on 29 September-1 October 2010 in Geneva.

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