

## **CABOTAGE GUIDANCE**

This advice sheet provides guidance for operators licensed in one EU member state and wishing to undertake cabotage operations in another. It replaces previous advice sheets and guidance.

Cabotage operations are defined in EC Regulation 1073/2009 (EC Regulation) as:

*National road passenger services for hire and reward carried out on a temporary basis by a carrier in a host member state, or*

*The picking up and setting down of passengers within the same member state, in the course of a regular international service, in compliance with the provisions of the EC Regulation, provided that it is not the principal purpose of the service.*

The Department for Infrastructure ('the Department') is the competent authority for the regulation of bus operators in Northern Ireland, with its Driver and Vehicle Agency (DVA) carrying out the licensing function. DVA is also responsible for monitoring the compliance of operators under national and EU law and, for ensuring that services provided by foreign operators in NI are lawful.

This guidance has been divided into the three types of services provided under the EC Regulation: regular, special regular and occasional services.

### **International Services**

To provide any international service, a Public Service Vehicle (PSV) operator must hold an international operator's licence and must carry, on the vehicle, a certified true copy of a community licence.

Cabotage operations are only lawful if they are conducted on a temporary basis and by an operator properly licensed in their own Member State. If the services provided do not fall within the definition of “on a temporary basis”, they can only be undertaken by a national operator.

A bus found to be operating an unlawful service can be prohibited from continuing its journey and the operator may be subject to prosecution or have other penalties imposed. There may also be implications for the validity of insurance held by the operator.

## **Regular Services**

A regular service picks up and sets down passengers at fixed stopping places along a specified route. Services are not restricted to passengers of a specific group but are open to the general public. To operate a bus or coach service internationally you require an authorisation from the country or countries on the route.

To operate a regular international service an operator will require an international operator’s licence, and must carry on the vehicle:

- a certified true copy of a community licence,
- a community authorisation,
- a copy of the timetable, and
- a schedule of service.

Cabotage operations may be carried out as part of this international route, picking up and setting down passengers within the EU country of arrival, provided that cabotage is not the principal purpose of the service.

## **Special Regular Services**

These services involve the transport of specific groups of passengers and are not open to the general public. They could involve for example the carriage of workers or school children (closed groups). They are regular services picking up and setting down at regular intervals along specified routes with predetermined stopping places. A special regular service must be covered by a contract between the organiser and the carrier, specifying the route, stopping places, group covered and schedule of service.

To operate a special regular service an operator will require an international operator’s licence, and must carry on the vehicle:

- a certified true copy of a community licence,
- a copy of the contract,
- which should include a schedule of the service, and

- timetable.

The service must run in accordance with this timetable with only minor variations in service being acceptable.

The contract may only be sub contracted on the basis that there is explicit provision in the contract for sub contracting and then only to cover instances of force majeure (chance occurrence, unavoidable incident). A service will be considered to have been sub-contracted if it is delivered by a carrier who holds a different operator licence from the carrier with whom the contract has been agreed.

For all cabotage operations undertaken as special regular services, a control document (waybill) must be completed in the form of a monthly statement; the third box in section 5 of the form should be ticked. These must be returned to the competent authority in the member state of establishment on a monthly basis.

Cabotage operations may be carried out, provided that they are temporary in nature. Following discussions with the EU Commission, the Department has determined that temporary is considered to be a period of one year or less on a contracted service; periods longer than this require establishment in the host Member State.

### **Occasional Services**

Occasional services are those which do not meet the definition of regular services and which have been organised by the customer or carrier. The industry would normally recognise these services as tours, excursions or private hires.

To operate an occasional service an operator will require an international operator's licence, and must carry on the vehicle:

- a community licence, and
- a control document (waybill).

Cabotage operations may be carried out provided that they are temporary in nature. A control document (waybill) will need to be completed for every cabotage journey with the second box on the form ticked in section 5. These must be returned to the competent authority in the member state of establishment immediately on completion of the journey.

### **Enforcement**

Enforcement officers may ask for and check all documentation at a roadside check. You must be able to present the following documents:

- community licence,

- journey form (waybill),
- authorisation, and
- a copy of the appropriate contract covering the special regular service.

If these are not carried or incomplete a fixed penalty notice may be issued or court proceedings initiated with a fine on conviction of up to £2500.

Enforcement officers may also check matters such as drivers' hours (buses operating occasional services are not exempt from the requirements of European Regulation 561/2006); and whether the service complies with all relevant Northern Ireland legislative requirements (including but not limited to school bus lights requirements and taxation law).

### **Contact Details**

The Driver & Vehicle Agency  
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