

### HEADING THREE: ROAD TRANSPORT

#### TITLE I: TRANSPORT OF GOODS BY ROAD

##### Article ROAD.1: Objective

1. The objective of this Title is to ensure, as regards the transport of goods by road, continued connectivity between, through and within the territories of the Parties and to lay down the rules which are applicable to such transport.
2. The Parties agree not to take discriminatory measures when applying this Title.
3. Nothing in this Title shall affect the transport of goods by road within the territory of one of the Parties by a road haulage operator established in that territory.

##### Article ROAD.2: Scope

1. This Title applies to the transport of goods by road with a commercial purpose between, through and within the territories of the Parties and is without prejudice to the application of the rules established by the European Conference of Ministers of Transport.
2. Any transport of goods by road for which no direct or indirect remuneration is received and which does not directly or indirectly generate any income for the driver of the vehicle or for others, and which is not linked to professional activity shall be considered as the transport of goods for a non-commercial purpose.

##### Article ROAD.3: Definitions

For the purposes of this Title and in addition to the definitions set out in Article [SERVIN 1.2] [Definitions] of Chapter one of Title II of Heading one of Part Two [Services and Investment], the following definitions apply:

- (a) “vehicle” means a motor vehicle registered in the territory of a Party, or a coupled combination of vehicles of which the motor vehicle is registered in the territory of a Party, and which is used exclusively for the transport of goods;
- (b) “road haulage operator” means any natural or legal person engaged in the transport of goods with a commercial purpose, by means of a vehicle;
- (c) “road haulage operator of a Party” means a road haulage operator which is a legal person established in the territory of a Party or a natural person of a Party;
- (d) “party of establishment” means the Party in which a road haulage operator is established;
- (e) “driver” means any person who drives a vehicle even for a short period, or who is carried in a vehicle as part of his duties to be available for driving if necessary;
- (f) “transit” means the movement of vehicles across the territory of a Party without loading or unloading of goods;
- (g) “regulatory measures” means:
  - (i) for the Union:

- (A) regulations and directives, as provided for in Article 288 of the Treaty on the Functioning of the European Union (TFEU); and
  - (B) implementing and delegated acts, as provided for in Article 290 and 291 TFEU, respectively; and
- (ii) for the United Kingdom:
- (A) primary legislation; and
  - (B) secondary legislation.

#### Article ROAD.4 Transport of goods between, through and within the territories of the Parties

1. Provided that the conditions in paragraph 2 are fulfilled, road haulage operators of a Party may undertake:
  - (a) laden journeys with a vehicle, from the territory of the Party of establishment to the territory of the other Party, and vice versa, with or without transit through the territory of a third country;
  - (b) laden journeys with a vehicle from the territory of the Party of establishment to the territory of the same Party with transit through the territory of the other Party;
  - (c) laden journeys with a vehicle to or from the territory of the Party of establishment with transit through the territory of the other Party;
  - (d) unladen journeys with a vehicle in conjunction with the journeys referred to in points (a) to (c).
2. Road haulage operators of a Party may only undertake a journey referred to in paragraph 1 if:
  - (a) they hold a valid licence issued in accordance with Article ROAD.5 [Requirements for operators], except in the cases referred to in Article ROAD.6 [Exemptions from licensing requirements]; and
  - (b) the journey is carried out by drivers who hold a Certificate of Professional Competence in accordance with Article ROAD.7(1) [Requirements for drivers].
3. Subject to paragraph 6, and provided that the conditions in paragraph 2 are fulfilled, road haulage operators of the United Kingdom may undertake up to two laden journeys from one Member State to another Member State, without returning to the territory of the United Kingdom, provided that such journeys follow a journey from the territory of the United Kingdom permitted under point (a) of paragraph 1.
4. Without prejudice to paragraph 5, subject to paragraph 6 and provided that the conditions in paragraph 2 are fulfilled, road haulage operators of the United Kingdom may undertake one laden journey within the territory of a Member State provided that operation:
  - (a) follows a journey from the territory of the United Kingdom permitted under point (a) of paragraph 1; and
  - (b) is performed within seven days of the unloading in the territory of that Member State of goods carried on the journey referred to in point (a).

5. Subject to paragraph 6 and provided that the conditions in paragraph 2 are fulfilled, road haulage operators of the United Kingdom established in Northern Ireland may undertake up to two laden journeys within the territory of Ireland provided that such operations:
- (a) follow a journey from the territory of the Northern Ireland permitted under point (a) of paragraph 1; and
  - (b) are performed within seven days of the unloading in the territory of Ireland of goods carried on the journey referred to in point (a).
6. Road haulage operators of the United Kingdom shall be limited to a maximum of two journeys within the territory of the Union under paragraphs 3, 4 and 5 before returning to the territory of the United Kingdom.
7. Provided that the conditions in paragraph 2 are fulfilled, road haulage operators of the Union may undertake up to two laden journeys within the territory of the United Kingdom provided that such operations:
- (a) follow a journey from the territory of the Union permitted under point (a) of paragraph 1; and
  - (b) are performed within seven days of the unloading in the territory of the United Kingdom of the goods carried on the journey referred to in point (a).

#### Article ROAD.5: Requirements for operators

1. Road haulage operators of a Party undertaking a journey referred to in Article ROAD.4 [Transport of goods between, through and within the territories of the Parties] shall hold a valid licence issued in accordance with paragraph 2 of this Article.
2. Licences shall only be issued, in accordance with the law of the Parties, to road haulage operators who comply with the requirements set out in Section 1 of Part A of Annex ROAD-1 governing the admission to, and the pursuit of, the occupation of road haulage operator.
3. A certified true copy of the licence shall be kept on board the vehicle and shall be presented at the request of any inspecting officers authorised by each Party. The licence and the certified true copies shall correspond to one or either of the models set out in Appendix ROAD.A.1.3 of Part A to Annex ROAD-1, which also lays down the conditions governing its use. The licence shall contain at least two of the security features listed in Appendix ROAD.A.1.4 to Part A of Annex ROAD-1.
4. Road haulage operators shall comply with the requirements set out in Section 2 of Part A of Annex ROAD-1 laying down requirements for the posting of drivers when undertaking a journey referred to in Article ROAD.4(3)-(7) [Transport of goods between, through and within the territories of the Parties].

#### Article ROAD.6: Exemptions from licencing requirement

The following types of transport of goods and unladen journeys made in conjunction with such transport may be conducted without a valid licence as referred to in Article 5 [Requirements for operators]:

- (a) transport of mail as a universal service;

- (b) transport of vehicles which have suffered damage or breakdown;
- (c) until 20 February 2022, transport of goods in motor vehicles the permissible laden mass of which, including that of trailers, does not exceed 3.5 tonnes;
- (d) from 21 February 2022, transport of goods in motor vehicles the permissible laden mass of which, including that of trailers, does not exceed 2.5 tonnes;
- (e) transport of medicinal products, appliances, equipment and other articles required for medical care in emergency relief, in particular for natural disasters and humanitarian assistance;
- (f) transport of goods in vehicles provided that the following conditions are fulfilled:
  - (i) the goods carried are the property of the road haulage operator or have been sold, bought, let out on hire or hired, produced, extracted, processed or repaired by the operator;
  - (ii) the purpose of the journey is to carry the goods to or from the road haulage operator's premises or to move them, either inside or outside the operator for its own requirements;
  - (iii) the vehicles used for such transport are driven by personnel employed by, or put at the disposal of, the road haulage operator under a contractual obligation;
  - (iv) the vehicles carrying the goods are owned by the road haulage operator, have been bought by it on deferred terms or have been hired; and
  - (v) such transport is no more than ancillary to the overall activities of the road haulage operator;
- (g) transport of goods by means of motor vehicles with a maximum authorised speed not exceeding 40 km/h.

#### Article ROAD.7: Requirements for drivers

1 Drivers of the vehicles undertaking journeys as referred to in Article ROAD.4 [Transport of goods between, through and within the territories of the Parties] shall:

- (a) hold a Certificate of Professional Competence issued in accordance with Section 1 of Part B of Annex ROAD- 1; and
- (b) comply with the rules on driving and working time, rest periods, breaks and the use of tachographs in accordance with Sections 2 to 4 of Part B of Annex ROAD-1.

2. The European Agreement concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR) done in Geneva on 1 July 1970 shall apply, instead of point (b) of paragraph 1, to international road transport operations undertaken in part outside the territory of the Parties, for the whole journey.

#### Article ROAD.8: Requirements for vehicles

1. A Party shall not reject or prohibit the use in its territory of a vehicle undertaking a journey referred to in Article ROAD.4 [Transport of goods between, through and within the territories of the Parties] if the vehicle complies with the requirements set out in Section 1 of Part C of Annex ROAD-1.
2. Vehicles undertaking the journeys referred to in Article ROAD.4 [Transport of goods between, through and within the territories of the Parties] shall be equipped with a tachograph constructed, installed, used, tested and controlled in accordance with Section 2 of Part C of Annex ROAD-1.

#### Article ROAD.9: Road traffic rules

Drivers of vehicles undertaking the transport of goods under this Title shall, when in the territory of the other Party, comply with the national laws and regulations in force in that territory concerning road traffic.

#### Article ROAD.10: Development of laws and Specialised Committee on Road Transport

1. When a Party proposes a new regulatory measure in an area covered by Annex ROAD-1, it shall:
  - (a) notify the other Party of the proposed regulatory measure as soon as possible; and
  - (b) keep the other Party informed of progress of the regulatory measure.
2. At the request of one of the Parties, an exchange of views shall take place within the Specialised Committee on Road Transport no later than two months after the submission of the request, as to whether the proposed new regulatory measure would apply to journeys referred to in Article ROAD.4 [Transport of goods between, through and within the territories of the Parties], or not.
3. When a Party adopts a new regulatory measure referred to in paragraph 1, it shall notify the other Party, and supply the text of the new regulatory measure within one week of its publication.
4. The Specialised Committee on Road Transport shall meet to discuss any new regulatory measure adopted, on request by either Party within two months of the submission of the request, whether or not a notification has taken place in accordance with paragraph 1 or 3, or a discussion has taken place in accordance with paragraph 2.
5. The Specialised Committee on Road Transport may:
  - (a) amend Annex ROAD-1 to take account of regulatory and/or technological developments, or to ensure the satisfactory implementation of this Title;
  - (b) confirm that the amendments made by the new regulatory measure conform to Annex ROAD-1; or
  - (c) decide on any other measure aimed at safeguarding the proper functioning of this Title.

#### Article ROAD.11: Remedial measures

1. If a Party considers that the other Party has adopted a new regulatory measure that does not comply with the requirements of Annex ROAD-1, in particular in cases where the Specialised

Committee on Road Transport has not reached a decision under Article 10(5) [Development of laws and Specialised Committee on Road Transport], and the other Party nevertheless applies the provisions of the new regulatory measure to the Party's road transport operators, drivers or vehicles, the Party may, after notifying the other Party, adopt appropriate remedial measures, including the suspension of obligations under this Agreement or any supplementing Agreement, provided that such measures:

- (a) do not exceed the level equivalent to the nullification or impairment caused by the new regulatory measure adopted by the other Party that does not comply with the requirements of Annex ROAD-1; and
- (b) take effect at the earliest 7 days after the Party which intends to take such measures has given the other Party notice under this paragraph.

2. The appropriate remedial measures shall cease to apply:

- (a) when the Party having taken such measures is satisfied that the other Party is complying with its obligations under this Title; or
- (b) in compliance with a ruling of the arbitration tribunal.

3. A Party shall not invoke the WTO Agreement or any other international agreement to preclude the other Party from suspending obligations under this Article.

#### Article ROAD.12: Taxation

1. Vehicles used for the carriage of goods in accordance with this Title shall be exempt from the taxes and charges levied on the possession or circulation of vehicles in the territory of the other Party.

2. The exemption referred to in paragraph 1 shall not apply to:

- (a) a tax or charge on fuel consumption;
- (b) a charge for using a road or network of roads; or
- (c) a charge for using particular bridges, tunnels or ferries.

3. The fuel contained in the standard tanks of the vehicles and of special containers, admitted temporarily, which is used directly for the purpose of propulsion and, where appropriate, for the operation, during transport, of refrigeration systems and other systems, as well as lubricants present in the motor vehicles and required for their normal operation during the journey, shall be free of custom duties and any other taxes and levies, such as VAT and excise duties, and shall not be subject to any import restrictions.

4. The spare parts imported for repairing a vehicle on the territory of one Party that has been registered or put into circulation in the other Party, shall be admitted under cover of a temporary duty-free admission and without prohibition or restriction of importation. The replaced parts are subject to customs duties and other taxes (VAT) and shall be re-exported or destroyed under the control of the customs authorities of the other Party.

### Article ROAD.13: Obligations in other Titles

Articles SERVIN 3.2 [Market access] and SERVIN 3.4 [National treatment] of Chapter three of Title II of Heading one of Part two are incorporated into and made part of this Title and apply to the treatment of road haulage operators undertaking journeys in accordance with Article ROAD.4 [Transport of goods between, through and within the territories of the Parties].

### Article ROAD.14: Termination of this Title

5. Without prejudice to Article FINPROV.8 [Termination], Article OTH.10 [Termination of Part Two] and Article FISH.17 [Termination], each Party may at any moment terminate this Title, by written notification through diplomatic channels. In that event, this Title shall cease to be in force on the first day of the ninth month following the date of notification.

## *TITLE II: TRANSPORT OF PASSENGERS BY ROAD*

### Article X: Scope

1. The objective of this Title is to ensure, as regards the transport of passengers by road, continued connectivity between, through and within the territories of the Parties and to lay down the rules which are applicable to such transport. It applies to the occasional, regular and special regular transport of passengers by coach and bus between, through and within the territories of the Parties.
2. The Parties agree not to take discriminatory measures when applying this Title.
3. Nothing in this Title shall affect the transport of passengers within the territory of one of the Parties by a road passenger transport operator established in that territory.

### Article X+1 :Definitions

For the purposes of this Title and in addition to the definitions set out in Article SERVIN 1.2 [Definitions] of Chapter one of Title II of Heading one of Part Two [Services and Investment], the following definitions apply:

- (a) “coaches and buses” are vehicles which, by virtue of their construction and their equipment, are suitable for carrying more than nine persons, including the driver, and are intended for that purpose;
- (b) “passenger transport services” means transport services by road for the public or for specific categories of users, supplied in return for payment by the person transported or by the transport organiser, by means of coaches and buses;
- (c) “road passenger transport operator” means any natural person or any legal person, whether having its own legal personality or being dependent upon an authority having such a personality, which supplies passenger transport services;
- (d) “road passenger transport operator of a Party” means a road passenger transport operator which is established in the territory of a Party or a natural person of a Party;
- (e) “regular services” means passenger transport services supplied at specified frequency along specified routes, whereby passengers may be picked up and set down at predetermined stopping points;

- (f) “special regular services” means services by whomsoever organised, which provide for the transport of specified categories of passengers to the exclusion of other passengers, in so far as such services are operated under the conditions specified for regular services. Special regular services shall include:
- (i) the transport of workers between home and work, and
  - (ii) the transport of school pupils and students to and from the educational institution.

The fact that a special regular service may be varied according to the needs of users shall not affect its classification as a regular service;

- (g) “group” means any of the following:
- (i) one or more associated natural or legal persons and their parent natural or legal person or persons;
  - (ii) one or more associated natural person or legal persons which have the same parent natural or legal person or persons;
- (h) “Interbus Agreement” means the Agreement on the international occasional carriage of passengers by coach and bus, as subsequently amended, which entered into force on 1 January 2003;
- (i) “transit” means the movement of coaches and buses across the territory of a Party without picking up or setting down of passengers;
- (j) “occasional services” means services which are not regular services or special regular services, and which are characterised above all by the fact that they carry groups of passengers assembled at the initiative of the customer or the road passenger transport operator.

#### Article X+2: Passenger transport by coach and bus between, through and within the territories of the Parties

1. Road passenger transport operators of a Party may, when operating regular and special regular services, undertake laden journeys from the territory of a Party to the territory of the other Party, with or without transit through the territory of a third country, and unladen journeys related to such journeys.
2. Road passenger transport operators of a Party may, when operating regular and special regular services, undertake laden journeys from the territory of the Party, in which the road passenger transport operator is established, to the territory of the same Party with transit through the territory of the other Party, and unladen journeys related to such journeys.
3. A road passenger transport operator of a Party may not operate regular or special regular services with both origin and destination in the territory of the other Party.
4. Where the passenger transport service referred to in paragraph 1 is part of a service to or from the territory of the Party where the road passenger transport operator is established, passengers may be picked up or set down in the territory of the other Party *en route*, provided the stop is authorised in accordance with the rules applicable in that territory.



5. Where the passenger transport service referred to in this Article is part of an international regular or special regular service between Ireland and the United Kingdom in respect of Northern Ireland, passengers may be picked up and set down in one Party by a road passenger transport operator established in the other Party.

6. Road passenger transport operators established in the territory of one Party may, on a temporary basis, operate occasional services on the island of Ireland which pick up and set down passengers on the territory of the other Party.

7. Road passenger transport operators may, when operating occasional services, undertake a laden journey from the territory of a Party through the territory of the other Party to the territory of a non-Contracting Party to the Interbus Agreement, including a related unladen journey.

8. The passenger transport services referred to in this Article shall be performed using coaches and buses registered in the Party where the road passenger transport operator is established or resides. Those coaches and buses shall comply with the technical standards laid down in Annex 2 to the Interbus Agreement.

#### Article X+3: Conditions for the provision of services referred to in Article X+2

1. Regular services shall be open to all road passenger transport operators of a Party, subject to compulsory reservation, where appropriate.

2. Regular and special regular services shall be subject to authorisation in accordance with Article X+4, and paragraph 6.

3. The regular nature of the service shall not be affected by any adjustment to the service operating conditions.

4. The organisation of parallel or temporary services serving the same public as existing regular services, the non-serving of certain stops and the serving of additional stops on existing regular services shall be governed by the same rules as those applicable to existing regular services.

5. Sections V (Social provisions) and VI (Custom and fiscal provisions) of the Interbus Agreement as well as Annexes I (Conditions applying to road passenger transport operators) and II (Technical standards applying to buses and coaches) thereto shall apply.

6. For a period of six months from the date of entry into force of this Agreement, special regular services shall not be subject to authorisation where they are covered by a contract concluded between the organiser and the road passenger transport operator.

7. Occasional services covered by this Title in accordance with Article X+(2) shall not require authorisation. However, the organisation of parallel or temporary services comparable to existing regular services and serving the same public as the latter shall be subject to authorisation in accordance with Section VIII of the Interbus Agreement.

#### Article X+4: Authorisation

1. Authorisations for services referred to in Article X+2 shall be issued by the competent authority of the Party in whose territory the road passenger transport operator is established (the "authorising authority").

2. If a road passenger transport operator is established in the Union, the authorising authority shall be the competent authority of the Member State of origin or destination.

3. In the case of a group of road passenger transport operators intending to operate a service referred to in Article X+2, the authorising authority shall be the competent authority to which the application is addressed in accordance with the second part of Article X+5(1).

4. Authorisations shall be issued in the name of the road passenger transport operator and shall be non-transferable. However, a road passenger transport operator of a Party who has received an authorisation may, with the consent of the authorising authority, operate the service through a subcontractor, if such a possibility is in line with the law of the Party. In this case, the name of the subcontractor and its role shall be indicated in the authorisation. The subcontractor shall be a road passenger transport operator of a Party and shall comply with all the provisions of this Title.

In the case of a group of road passenger transport operators that intend to operate services referred to in Article X+2, the authorisation shall be issued in the names of all the road passenger transport operators of the group and shall state the names of all those operators. It shall be given to the road passenger transport operators entrusted by the other road passenger transport operators of a Party for these purposes and which has requested it, and certified true copies shall be given to the other road passenger transport operators.

5. Without prejudice to Article X+6(3), the period of validity of an authorisation shall not exceed five years. It may be set for a shorter period either at the request of the applicant or by mutual consent of the competent authorities of the Parties on whose territories passengers are picked up or set down.

6. Authorisations shall specify the following:

- (a) the type of service;
- (b) the route of the service, giving in particular the point of departure and the point of arrival;
- (c) the period of validity of the authorisation; and
- (d) the stops and the timetable.

7. Authorisations shall conform to the model set out in Annex ROAD-2.

8. The road passenger transport operator of a Party carrying out a service referred to in Article X+2 may use additional vehicles to deal with temporary and exceptional situations. Such additional vehicles may be used only under the same conditions as set out in the authorisation referred to in paragraph 6.

In this case, in addition to the documents referred to in Article X+10(1) and (2), the road passenger transport operator shall ensure that a copy of the contract between the road passenger transport operator carrying out the regular or special regular service and the undertaking providing the additional vehicles or an equivalent document is carried in the vehicle and presented at the request of any authorised inspecting officer.

#### Article X+5: Submission of application for authorisation

1. Applications for authorisation shall be submitted by the road passenger transport operator of a Party to the authorising authority referred to in Article X+4(1).

For each service, only one application shall be submitted. In the cases referred to in Article X+4(3), it shall be submitted by the operator entrusted by the other operators for these purposes. The application shall be addressed to the authorising authority of the Party in which the road passenger transport operator submitting it is established.

2. Applications for authorisation shall be submitted on the basis of the model set out in Annex ROAD-3.

3. The road passenger transport operator applying for authorisation shall provide any further information which it considers relevant or which is requested by the authorising authority, in particular, the documents listed in Annex ROAD-3.

#### Article X+6: Authorisation procedure

1. Authorisations shall be issued in agreement with the competent authorities in the Parties in whose territory passengers are picked up or set down. The authorising authority shall forward to such competent authorities, as well as to the competent authorities whose territories are crossed without passengers being picked up or set down, a copy of the application, together with copies of any other relevant documentation, and its assessment.

In respect of the Union, the competent authorities referred to in the first part of this paragraph shall be those of the Member States in whose territories passengers are picked up or set down and whose territories are crossed without passengers being picked up or set down.

2. The competent authorities whose agreement has been requested shall notify the authorising authority of their decision regarding the application within four months. This time limit shall be calculated from the date of receipt of the request for agreement which is shown in the acknowledgement of receipt. If the decision received from the competent authorities whose agreement has been requested is negative, it shall contain a proper statement of reasons. If the authorising authority does not receive a reply within four months, the competent authorities consulted shall be deemed to have given their agreement and the authorising authority may grant the authorisation.

The competent authorities whose territory is crossed without passengers being picked up or set down may notify the authorising authority of their comments within four months.

3. In respect of services that had been authorised under Regulation (EC) No 1073/2009 of the European Parliament and Council<sup>70</sup> before the end of the transition period and in respect of which the authorisation lapses at the end of the transition period, the following shall apply:

- (a) where, subject to the changes necessary to comply with Article X+2, the operating conditions are the same as those having been set in the authorisation granted under Regulation (EC) No 1073/2009, the relevant authorising authority under this Title may, on application or otherwise, issue the road transport operator with a corresponding authorisation granted under this Title. Where such an authorisation is issued, the agreement of the competent authorities in whose territories passengers are picked up or set down, as referred to in paragraph 2, shall be deemed

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<sup>70</sup> Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (recast) (OJ EU L 300, 14.11.2009, p. 88).

to be provided. Those competent authorities and the competent authorities whose territory is crossed without passengers being picked up or set down may, at any time, notify the authorising authority of any comments they may have;

- (b) where point (a) is applied, the validity period of the corresponding authorisation granted under this Title shall not extend beyond the last day of the validity period specified in the authorisation previously granted under Regulation (EC) No 1073/2009.

4. The authorising authority shall take a decision on the application no later than six months from the date of submission of the application by the road passenger transport operator.

5. Authorisation shall be granted unless:

- (a) the applicant is unable to provide the service which is the subject of the application with equipment directly available to the applicant;
- (b) the applicant has not complied with national or international legislation on road transport, and in particular the conditions and requirements relating to authorisations for international road passenger services, or has committed serious infringements of a Party's road transport legislation in particular with regard to the rules applicable to vehicles and driving and rest periods for drivers;
- (c) in the case of an application for renewal of authorisation, the conditions of authorisation have not been complied with;
- (d) a Party decides on the basis of a detailed analysis that the service concerned would seriously affect the viability of a comparable service covered by one or more public service contracts conforming to the Party's law on the direct sections concerned. In such a case, the Party shall set up criteria, on a non-discriminatory basis, for determining whether the service applied for would seriously affect the viability of the abovementioned comparable service and shall communicate them to the other Party referred to in paragraph 1; or
- (e) a Party decides on the basis of a detailed analysis that the principal purpose of the service is not to carry passengers between stops located in the territories of the Parties.

In the event that an existing service seriously affects the viability of a comparable service covered by one or more public service contracts which conform to a Party's law on the direct sections concerned, due to exceptional reasons which could not have been foreseen at the time of granting the authorisation, a Party may, with the agreement of the other Party, suspend or withdraw the authorisation to run the international coach and bus service after having given six months' notice to the road passenger transport operator .

The fact that a road passenger transport operator of a Party offers lower prices than those offered by other road passenger transport operators or the fact that the link in question is already operated by other road passenger transport operators shall not in itself constitute justification for rejecting the application.

6. Having completed the procedure laid down in paragraphs 1 to 5, the authorising authority shall grant the authorisation or formally refuse the application.

Decisions rejecting an application shall state the reasons on which they are based. The Parties shall ensure that transport undertakings are given the opportunity to make representations in the event of their application being rejected.

The authorising authority shall inform the competent authorities of the other Party of its decision and shall send them a copy of any authorisation.

#### Article X+7: Renewal and alteration of authorisation

1. Article X+6 shall apply, *mutatis mutandis*, to applications for the renewal of authorisations or for alteration of the conditions under which the services subject to authorisation must be carried out.
2. Where the existing authorisation expires within six months from the date of entry into force of this Agreement, the period of time in which the competent authorities referred to in Article X+6(2) shall notify the authorising authority of their agreement to, or comments on, the application in accordance with that Article, is two months.
3. In the event of a minor alteration to the operating conditions, in particular the adjustment of intervals, fares and timetables, the authorising authority needs only supply the competent authorities of the other Party with information relating to the alteration. Changing the timetables or intervals in a manner that affects the timing of controls at the borders between the Parties or at third country borders shall not be considered a minor alteration.

#### Article X+8: Lapse of an authorisation

1. Without prejudice to Article X+6(3), an authorisation for a service referred to in Article X+2 shall lapse at the end of its period of validity or three months after the authorising authority has received notice from its holder of his or her intention to withdraw the service. Such notice shall contain a proper statement of reasons.
2. Where demand for a service has ceased to exist, the period of notice provided for in paragraph 1 shall be one month.
3. The authorising authority shall inform the competent authorities of the other Party concerned that the authorisation has lapsed.
4. The holder of the authorisation shall notify users of the service concerned of its withdrawal one month in advance by means of appropriate publicity.

#### Article X+9: Obligations of transport operators

1. Save in the event of *force majeure*, the road passenger transport operator of a Party carrying out a service referred to in Article X+2 shall launch the service without delay and, until the authorisation expires, take all measures to guarantee a transport service that fulfils the standards of continuity, regularity and capacity and complies with the conditions specified in accordance with Article X+4(6) and Annex ROAD-2.
2. The road passenger transport operator of a Party shall display the route of the service, the bus stops, the timetable, the fares and the conditions of carriage in such a way as to ensure that such information is readily available to all users.

3. It shall be possible for the Parties to make changes to the operating conditions governing a service referred to in Article X+2 by common agreement and in agreement with the holder of the authorisation.

#### Article X+10: Documents to be kept on the coach or bus

1. Without prejudice to Article X+4(8), the authorisation or a certified true copy thereof to carry out services referred to in Article X+2 and the operator's licence of the road passenger transport operator or a certified true copy thereof for the international carriage of passengers by road provided for according to national or Union law shall be kept on the coach or bus and shall be presented at the request of any authorised inspecting officer.

2. Without prejudice to paragraph 1 as well as to Article X+4(8), in the case of a special regular service, the contract between the organiser and the road passenger transport operator or a copy thereof as well as a document evidencing that the passengers constitute a specific category to the exclusion of other passengers for the purposes of a special regular service shall also serve as control documents, shall be kept in the vehicle and shall be presented at the request of any authorised inspecting officer.

3. Road passenger transport operators carrying out occasional services under Article X+2(6) and (7) shall carry a completed journey form, using the model in Annex ROAD-4. Books of journey forms shall be supplied by the competent authority of the territory in which the operator is registered, or by bodies appointed by the competent authority.

#### Article X+11: Road traffic rules

Drivers of coaches and buses undertaking the transport of passengers under this Title shall, when in the territory of the other Party, comply with the national laws and regulations in force in that territory concerning road traffic.

#### Article X+12: Application

The provisions of the present Title shall cease to apply as of the date the Protocol to the Interbus Agreement regarding the international regular and special carriage of passengers by coach and bus enters into force for the UK, or six months following the entry into force of that Protocol for the Union, whichever is the earliest, except for the purpose of the operations under Article X+2(2); Article X+2(5); Article X+2(6) and Article X+2(7).

#### Article X+13: Obligations in other Titles

Articles SERVIN 3.2 [Market access] and SERVIN 3.4 [National treatment] of Chapter three of Title II of Heading one of Part two are incorporated into and made part of this Title and apply to the treatment of transport operators undertaking journeys in accordance with Article X+2 of this Title.

#### Article X+14: Specialised Committee

The Specialised Committee on Road Transport may amend Annexes ROAD-2, ROAD-3 and ROAD-4 to take into account regulatory developments. It may adopt measures regarding the implementation of this Title.

## HEADING FOUR: SOCIAL SECURITY COORDINATION AND VISAS FOR SHORT-TERM VISITS

### *TITLE I: SOCIAL SECURITY COORDINATION*

#### Ch.SSC.1: Overview

Member States and the United Kingdom shall coordinate their social security systems in accordance with the Protocol on Social Security Coordination, in order to secure the social security entitlements of the persons covered therein.

#### Ch.SSC.2: Legally residing

1. The Protocol on Social Security Coordination shall apply to persons legally residing in a Member State or the United Kingdom.
2. Paragraph 1 of this Article shall not affect entitlements to cash benefits which relate to previous periods of legal residence of persons covered by Article SSC.2 [Persons covered] of the Protocol on Social Security Coordination.

#### Ch.SSC.3: Cross border situations

1. The Protocol on Social Security Coordination shall only apply to situations arising between one or more Member States of the Union and the United Kingdom.
2. The Protocol on Social Security Coordination shall not apply to persons whose situations are confined in all respects either to the United Kingdom, or to the Member States.

#### Ch.SSC.4: Immigration applications

The Protocol on Social Security Coordination shall apply without prejudice to the right of a Member State or the United Kingdom to charge a health fee under national legislation in connection with an application for a permit to enter, to stay, to work, or to reside in that State.

### *TITLE II: VISAS FOR SHORT-TERM VISITS*

#### Article VSTV.1: Visas for short-term visits

1. The Parties note that on the date of entry into force of this Agreement both Parties provide for visa-free travel for short-term visits in respect of their nationals in accordance with their domestic law. Each Party shall notify the other of any intention to impose a visa requirement for short-term visits by nationals of the other Party in good time and, if possible, at least three months before such a requirement takes effect.
2. Subject to paragraph 3 and to Article FINPROV.10 [future accessions to the Union], in the event that the United Kingdom decides to impose a visa requirement for short-term visits on nationals of a Member State, that requirement shall apply to the nationals of all Member States.
3. This Article is without prejudice to any arrangements made between the United Kingdom and the Republic of Ireland concerning the Common Travel Area.