

**Question for written answer E-001857/2012  
to the Commission**

Rule 117

**Ślawomir Witold Nitras (PPE)**

Subject: Conflict with Polish taxi drivers in German border areas

The German holiday resorts of Mecklemburg-Western Pomerania, such as Ahlbeck, Heringsdorf and Bansin on the island of Uznam, are directly adjacent to the Polish town of Świnoujście. Recently, in the German part of the island, representatives of German transport company, EDV Ostseebus, have begun hanging posters warning against using taxis registered in Poland and offering cash rewards for reporting such practices.

In taking these steps, the German company refers to the provisions of the Polish-German agreement on international passenger transport, according to which Polish taxi drivers are only authorised to transport customers from Poland to Germany. The agreement also specifically prohibits Polish entities from providing services to customers in Germany. The contract contains a reciprocity clause.

Although transport services are covered by a lesser degree of liberalisation on account of their exclusion from the scope of the Services Directive (2006/123/EC), it should be noted, nonetheless, that the situation described above falls within the hypothesis set out in Article 50, (2)(b) of the TFEU, which states as follows: '2. The European Parliament, the Council and the Commission shall carry out the duties devolving upon them under the preceding provisions, in particular: ... (b) by ensuring close cooperation between the competent authorities in the Member States in order to ascertain the particular situation within the Union of the various activities concerned; (c) by abolishing those administrative procedures and practices, whether resulting from national legislation or from agreements previously concluded between Member States, the maintenance of which would form an obstacle to freedom of establishment'.

In my view, both the applicable national law (Law of 6 September 2001 on road transport; Journal of Laws 07.125.874) and the agreement on international passenger transport are harmful. This is because they prevent potential customers from choosing the best available offer, thereby limiting competition and free movement of services between Member States, which are fundamental principles that define the single market.

- With reference to Article 50(2)(b) of the TFEU, what is the Commission's opinion on the matter presented, and what is its assessment of the conformity of the Polish-German agreement on international passenger transport with European primary legislation in the area of freedom of enterprise and services?
- In view of the state of affairs presented, what legal solutions are applied in agreements between other Member States in the area of cross-border passenger transport? Does the Commission intend to take steps in the near future towards liberalising passenger transport services in the European Union?