

Rights of passengers in bus and coach transport; cooperation between national authorities

2008/0237(COD) - 16/02/2011 - Final act

PURPOSE: to improve passengers' rights in the bus and coach transport sector, including for disabled people and persons with reduced mobility.

LEGISLATIVE ACT: Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004.

CONTENT: following agreement reached at third reading with the European Parliament, the Council adopted by qualified majority a regulation aimed at strengthening the rights of bus and coach passengers. The German delegation voted against the legislation and the Irish delegation abstained.

The Regulation establishes rules for bus and coach transport as regards the following:

- non-discrimination between passengers with regard to transport conditions offered by carriers;
- rights of passengers in the event of accidents arising out of the use of the bus or coach resulting in death or personal injury or loss of or damage to luggage;
- non-discrimination and mandatory assistance for disabled persons and persons with reduced mobility;
- rights of passengers in cases of cancellation or delay;
- minimum information to be provided to passengers;
- handling of complaints;
- general rules on enforcement.

Scope: the Regulation applies to all regular services for non-specified categories of passengers with a scheduled distance of more than 250 kilometres, which means that passengers only travelling a part of such a long-distance service are also covered.

In addition, a set of rules will also apply to regular services over shorter scheduled distances, comprising basic rights regarding access to transport for people with disabilities or reduced mobility, non-discrimination and submission of complaints, the right to compensation for loss of or damage to wheelchairs or other mobility equipment, the rules on information to be given on passenger rights and during the journey, and the obligation for carriers to ensure disability-related training of personnel and to set up a complaint handling mechanism.

A **transitional exemption of four years**, renewable once, may be granted for particular regular transport links with countries outside the EU, as well as for domestic regular services. The latter, however, must in any case comply with the rules mentioned above applicable to all regular services irrespective of the distance of the journey. Occasional services are subject to the rules on compensation and assistance in the event of accidents and on compensation for the loss of or damage to mobility equipment, but not to the other provisions.

Compensation in the event of accidents for death or injury of passengers as well as for loss of or damage to their luggage: in this regard ceilings for financial compensation under national law must not be lower than the minimum amounts set in the Regulation, that is, **EUR 220 000 per passenger, and EUR 1200 per item of luggage**. Damage to assistive devices such as wheelchairs has to be compensated

entirely. Moreover, assistance is to be provided to cover passengers' immediate practical needs after an accident, including, where necessary, food, clothes, transport, the facilitation of first assistance, and accommodation up to a limit of EUR 80 per night and per person for a maximum of two nights.

Non-discrimination and assistance concerning disabled persons and persons with reduced mobility: they must not be refused transport except for safety reasons or for lack of necessary infrastructure. No extra charge must be asked. An accompanying person has the right to be carried free of charge, if his or her presence is needed for the transport operator to accept the disabled person on board. Loss of or damage to wheelchairs or other assistive devices caused by the carrier has to be compensated. Assistance is to be provided at specific terminals designated by Member States and on board, **subject to prior notification** (36 hours in advance) of the need for assistance. Furthermore, the persons concerned must present themselves at the designated point at the time stipulated in advance by the carrier which shall be no more than 60 minutes before the published departure time, unless a shorter period is agreed. If no time is stipulated, the assistance must be provided no later than 30 minutes before the published departure time.

Passenger rights in the event of cancellation or delay: where a journey is cancelled, **delayed formore than 120 minutes or overbooked**, carriers must offer a choice between continuation of the journey or re-routing or else reimbursement. If they fail to do so, the passenger has a right to compensation amounting to half of the ticket price, in addition to the reimbursement.

Where a **journey of more than three hours is cancelled or delayed in departure formore than 90 minutes**, assistance must also be offered in the form of the provision of snacks, meals or refreshments, as well as hotel accommodation up to a limit of EUR 80 per night and per person for a maximum of two nights, where necessary. Accommodation, however, needs not to be provided if the cancellation or delay is due to severe weather conditions or major natural disasters.

Irrespective of the duration of the delay, passengers are to be informed of the situation at the latest 30 minutes after the scheduled departure time, at their request and where feasible through electronic means such as SMS.

In the event of a **breakdown of the vehicle** during the journey, the carrier has to ensure continuation with another vehicle or transport to a suitable waiting point.

The rights regarding continuation, re-routing or reimbursement and assistance in the event of cancellation or delay do not apply to passengers with open tickets as long as the time of departure is not specified, except for travel pass or season ticket holders.

Complaints: carriers shall set up or have in place a complaint handling mechanism for the rights and obligations set out in the Regulation. A passenger wishing to make a complaint to the carrier shall submit it within 3 months from the date on which the regular service was performed or when a regular service should have been performed. The time taken to provide the final reply shall not be longer than 3 months from the receipt of the complaint.

Report: the Commission shall report to the European Parliament and the Council by 2 March 2016 on the operation and effects of this Regulation. The report shall be accompanied, where necessary, by legislative proposals implementing in further detail the provisions of this Regulation, or amending it.

ENTRY INTO FORCE: 20/03/2011.

APPLICATION: from 01/03/2013.