

Procedure file

Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision procedure) Regulation</p> <p>2008/0237(COD)</p> <p>Rights of passengers in bus and coach transport; cooperation between national authorities</p> <p>See also 2000/0145(COD) See also 2001/0305(COD) Amending Regulation (EC) No 2006/2004 2003/0162(COD) See also 2004/0049(COD) See also 2005/0007(COD) See also 2005/0241(COD) See also 2006/0130(COD) See also 2008/0246(COD)</p> <p>Subject</p> <p>2.80 Cooperation between administrations 3.20.05 Road transport: passengers and freight 4.60.06 Consumers' economic and legal interests 7.30 Police, judicial and customs cooperation in general</p>	<p>Procedure completed</p>

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	CODE Parliament delegation to Conciliation Committee		08/09/2010
		PPE CANCIAN Antonio	
	Former committee responsible		
	TRAN Transport and Tourism		11/12/2008
		PPE-DE ALBERTINI Gabriele	
	TRAN Transport and Tourism		22/12/2009
		PPE CANCIAN Antonio	
	Former committee for opinion		
IMCO Internal Market and Consumer Protection	The committee decided not to give an opinion.		
JURI Legal Affairs	The committee decided not to give an opinion.		
Council of the European Union	Council configuration	Meeting	Date
	General Affairs	3064	31/01/2011
	Competitiveness (Internal Market, Industry, Research and Space)	3049	25/11/2010
	Transport, Telecommunications and Energy	3001	11/03/2010
	Transport, Telecommunications and Energy	2987	17/12/2009
	Transport, Telecommunications and Energy	2949	11/06/2009
	Commission DG	Commissioner	

Key events

04/12/2008	Legislative proposal published	COM(2008)0817	Summary
15/12/2008	Committee referral announced in Parliament, 1st reading		
31/03/2009	Vote in committee, 1st reading		Summary
06/04/2009	Committee report tabled for plenary, 1st reading	A6-0250/2009	
22/04/2009	Debate in Parliament		
23/04/2009	Results of vote in Parliament		
23/04/2009	Decision by Parliament, 1st reading	T6-0281/2009	Summary
11/06/2009	Debate in Council	2949	Summary
11/03/2010	Council position published	05218/3/2010	Summary
25/03/2010	Committee referral announced in Parliament, 2nd reading		
01/06/2010	Vote in committee, 2nd reading		Summary
03/06/2010	Committee recommendation tabled for plenary, 2nd reading	A7-0174/2010	
05/07/2010	Debate in Parliament		
06/07/2010	Decision by Parliament, 2nd reading	T7-0256/2010	Summary
25/11/2010	Parliament's amendments rejected by Council		Summary
30/11/2010	Formal meeting of Conciliation Committee		Summary
24/01/2011	Final decision by Conciliation Committee		
24/01/2011	Joint text approved by Conciliation Committee co-chairs	00063/2010	
31/01/2011	Decision by Council, 3rd reading		
02/02/2011	Report tabled for plenary, 3rd reading	A7-0020/2011	Summary
15/02/2011	Debate in Parliament		
15/02/2011	Decision by Parliament, 3rd reading	T7-0052/2011	Summary
16/02/2011	Final act signed		
16/02/2011	End of procedure in Parliament		
28/02/2011	Final act published in Official Journal		

Technical information

Procedure reference

2008/0237(COD)

Procedure type	COD - Ordinary legislative procedure (ex-codicedision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	<p>See also 2000/0145(COD)</p> <p>See also 2001/0305(COD)</p> <p>Amending Regulation (EC) No 2006/2004 2003/0162(COD)</p> <p>See also 2004/0049(COD)</p> <p>See also 2005/0007(COD)</p> <p>See also 2005/0241(COD)</p> <p>See also 2006/0130(COD)</p> <p>See also 2008/0246(COD)</p>
Legal basis	Treaty on the Functioning of the EU TFEU 091-p1
Stage reached in procedure	Procedure completed
Committee dossier	CODE/7/03528

Documentation gateway

Legislative proposal	COM(2008)0817	04/12/2008	EC	Summary
Document attached to the procedure	SEC(2008)2953	04/12/2008	EC	
Document attached to the procedure	SEC(2008)2954	04/12/2008	EC	
Committee draft report	PE418.207	28/01/2009	EP	
Committee report tabled for plenary, 1st reading/single reading	A6-0250/2009	06/04/2009	EP	
Text adopted by Parliament, 1st reading/single reading	T6-0281/2009	23/04/2009	EP	Summary
Commission response to text adopted in plenary	SP(2009)3507	25/06/2009	EC	
Economic and Social Committee: opinion, report	CES1200/2009	16/07/2009	ESC	
Council statement on its position	06978/2010	05/03/2010	CSL	
Council position	05218/3/2010	11/03/2010	CSL	Summary
Commission communication on Council's position	COM(2010)0121	24/03/2010	EC	Summary
Committee draft report	PE440.169	09/04/2010	EP	
Committee recommendation tabled for plenary, 2nd reading	A7-0174/2010	03/06/2010	EP	
Text adopted by Parliament, 2nd reading	T7-0256/2010	06/07/2010	EP	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2010)0469	06/09/2010	EC	Summary
Joint text approved by Conciliation Committee co-chairs	00063/2010	24/01/2011	CSL/EP	
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading	A7-0020/2011	02/02/2011	EP	Summary

Text adopted by Parliament, 3rd reading	T7-0052/2011	15/02/2011	EP	Summary
Draft final act	00063/2010/LEX	16/02/2011	CSL	
Follow-up document	COM(2016)0619	27/09/2016	EC	Summary
Follow-up document	COM(2019)0179	12/04/2019	EC	Summary

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Final act

[Regulation 2011/181](#)
[OJ L 055 28.02.2011, p. 0001](#) Summary

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

PURPOSE: to ensure adequate levels of protection to passengers in bus and coach transport in particular to disabled persons and persons with reduced mobility.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

BACKGROUND: the market for international carriage of passengers by bus and coach has already been liberalised. This mode of transport is characterised by a number of distinctive features which affect both the operators and passengers. In passenger-kilometre terms, bus and coach transport holds a 9.3 % share of all land transport services within the European Union and, after passenger cars (82.8%), it remains the most important means of transportation available to the public (8.3 % share in all modes of transport). The sector has seen steady growth of 5.8% from 474 million in 1995 to 502 million in 2004. It is estimated that the annual volume of international bus and coach passengers amounts to 72.8 million passengers.

In contrast to other modes of transport (notably air transport), there are neither international agreements (with the exception of the United Nations ? Economic Commission for Europe Convention on the Contract for the International Carriage of Passengers and Luggage by Road (CVR), ratified by only three Member States) nor Community legislation establishing bus and coach passenger rights.

Protection of bus and coach passengers varies from one Member State to another. Rules on liability of operators tend to vary significantly, while compensation and assistance in the event of interrupted journeys are not generalised.

In its [Communication](#) of 22 June 2006, the Commission committed itself to examining how to increase quality of service and assurance of passenger rights in all modes of transport. With regard to coach transport, the Commission identified three main areas of concern: 1) the rights of persons with reduced mobility, 2) liability issues and 3) compensation and assistance in the event of interrupted travel.

CONTENT: the proposal aims at establishing rights of coach and bus passengers in order to improve the attractiveness of and confidence in coach and bus transport as well as to achieve a level playing field between carriers from different Member States and between other modes of transport.

In principle the proposal lays down provisions on:

- liability in the event of death or injury of passengers and loss of or damage to their
- luggage;
- non-discrimination on grounds of nationality or place of residence with regard to transport conditions offered to passengers by bus or coach undertakings, assistance for disabled persons and persons with reduced mobility;
- obligations of bus and coach undertakings in the event of cancellation or delay of a journey;
- information obligations;
- handling of complaints;
- general rules on enforcement.

The proposal for a Regulation will contribute to the achievement of the objectives of the Treaty by ensuring an enhanced level of consumer protection, combating discrimination and social exclusion of persons with disabilities and allowing European citizens to take full advantage of the opportunities created by the internal market.

Establishing and further strengthening the rights of passengers reflects the high priority given by the Amsterdam Treaty to the protection of consumers.

The present proposal regarding the rights of passengers in bus and coach services is consistent with the objectives of combating social exclusion, as it establishes the principle of non-discrimination and assistance for disabled people.

The proposal is also in line with Article 21 of the Charter of Fundamental Rights and it also ties in with Article 13 of the EC Treaty, which enables the Community to combat discrimination in the areas of Community competence.

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

The Committee on Transport and Tourism adopted the report drawn up by Gabriele ALBERTINI (EPP-ED, IT) amending, under the first reading of the codecision procedure, the proposal for a regulation of the European Parliament and of the Council on the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws.

The main amendments are as follows:

Subject matter: MEPs clarify that the Regulation establishes rules concerning barrier-free access for disabled persons and persons with reduced mobility travelling by bus or coach.

Scope: Member States must have the possibility to exempt them from the specific requirements of this Regulation if they take alternative measures providing for a similar level of passenger rights.

Liability for death and injury of passengers: an amendment aims to avoid misunderstandings and to clarify that not strict liability ("force majeure") but tortious liability shall be unlimited. MEPs also believe it is necessary to introduce an overall limit for strict liability per accident, which is set at EUR 5 million according to Directive 2005/14/EC. Moreover, provision should be made for exoneration from liability if a third party is at fault.

Damages: MEPs believe it would be unfair for the transport undertaking automatically to be obliged to take immediate remedial action before it is established exactly where the responsibility lies, unless there is evidence of its direct responsibility.

Liability for lost and damaged luggage: bus and/or coach undertakings cannot be held liable across the board if the loss or damage has been caused by circumstances not connected with the operation of bus and coach transport services and which the bus and/or coach undertaking could not have avoided or if the loss or damage is the fault of the passenger or caused by his negligence.

Derogations and special conditions: under the proposal, bus and/or coach undertakings may refuse, on the grounds of disability or reduced mobility, to accept a reservation in order to meet applicable safety requirements established by international or Community law. Given that there is no existing legislation requiring a bus operator to restrict the carriage of disabled persons due to safety concerns, MEPs believe it would be dangerous to open up for the adoption of such legislation. However, derogations shall apply if the vehicle or the infrastructure at the place of departure or arrival or on the route is not fitted out in such a way as to guarantee the safe transport of disabled persons and persons with reduced mobility.

Accessibility and information: the rules on non-discriminatory access that apply to the transport of disabled persons and persons with reduced mobility should be established in co-operation with representative organisations. Moreover, international, Community or national law establishing the safety requirements, on which non-discriminatory access rules are based, must be provided in accessible formats for passengers with disabilities. All information concerning the conditions of carriage should be available to persons incapable of travelling without assistance because of their elderly or young age and accompanying persons.

Assistance: according to MEPs, it is crucial for the dignity and independence of each passenger to only receive assistance that corresponds to his or her particular needs. The passenger should be the one to decide what assistance he or she needs.

Right to assistance at terminals: where use of a recognised assistance dog is required, this shall be granted provided that the bus and/or coach undertaking, ticket vendor or tour operator were notified in accordance with applicable national rules covering the carriage of assistance dogs.

Conditions under which assistance is provided: MEPs consider that some flexibility in the notification system must be permitted. Therefore, the need for assistance should be notified at least 24 hours (instead of 48 hours) before the assistance is needed, unless a shorter notification period is proposed by the assistance provider, or agreed between the assistance provider and the passenger. The passenger shall receive a confirmation, stating that the assistance needs have been notified.

MEPs also believe it is necessary to ensure that the designated points and the information they provide are totally recognisable and accessible to disabled persons and persons with reduced mobility.

Compensation in respect of wheelchairs and mobility equipment: where necessary, every effort shall be undertaken to rapidly provide replacement equipment with similar technical and functional features to that lost or damaged. Once again, a bus and/or coach undertaking shall not be liable if the loss or damage has been caused by circumstances not connected with the operation of bus and coach transport services and which the bus and/or coach undertaking could not have avoided or if the loss or damage is the fault of the passenger or was caused by the passenger's negligence. The amount of compensation payable shall be equivalent to the actual loss suffered.

Responsibility in the event of cancellations and long delays: bus and/or coach undertakings shall also be liable for overbookings. They shall be liable only for cancellations and delays resulting from circumstances within their control. That liability shall not cover delays as a result of traffic congestion and border and/or vehicle checks. Alternative services in the event of cancellation and long delays should be offered for free.

Compensation (in addition to full reimbursement) should not be more than 50% of the ticket price. Where the passenger chooses to accept the alternative transport services offered, they have the right to compensation amounting to 50% of the ticket price.

In the event of cancellations and long delays, passengers should also be offered: (i) meals and refreshments in line with the waiting time; (ii) hotel or other accommodation and transport between the terminal and the place of accommodation in case an overnight stay becomes necessary before the trip can be continued; (iii) transport from the location of the inoperational vehicle to a suitable waiting point and/or terminal from where continuation of the journey becomes possible (where the bus and/or coach becomes inoperable).

Bus and/or coach undertakings shall be liable for delays at arrival of more than two hours, where the delay is due to the driver's negligence and fault or a technical failure of the vehicle. In such events the passengers concerned shall at least have the right to compensation amounting to 50% of the ticket price and be offered assistance.

A bus and/or coach undertaking shall be exonerated from this liability if the cancellation or delay can be attributed to circumstances not connected with the operation of bus and coach transport services and which the bus and/or coach undertaking could not have avoided.

In the event of delay, the information shall be provided in accessible formats for persons with disabilities and persons with reduced mobility.

Cooperation: carriers shall cooperate in order to adopt arrangements at national or European level. Priority care should be provided for those passengers with special needs owing to disability, reduced mobility, illness, elderly age, pregnancy and extending to young children, and accompanying passengers. In the event of long delays and interruption or cancellation of travel, care shall focus on providing passengers with medical assistance and food and drink as necessary, regular information updates, and, where appropriate, alternative travel arrangements and accommodation.

Complaints: bus and/or coach undertakings shall issue annually a report containing the number and subject matter of complaints received, the average number of days required to answer them and corrective actions taken.

Entry into force: the coach and bus fleet needs some more time to adapt to the requirements of this Regulation. That is why MEPs propose that the Regulation should apply with effect from two years (instead of one year) after its entry into force.

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

The European Parliament adopted by 557 votes to 30, with 23 abstentions, a legislative resolution amending, under the first reading of the codecision procedure, the proposal for a regulation of the European Parliament and of the Council on the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws.

The main amendments were as follows:

Scope: Member States should have the possibility to exempt urban, suburban and regional transport from this Regulation if they ensure a comparable level of passenger rights through alternative regulatory measures. These measures should take into account passenger charters for multimodal public transport networks.

MEPs are opposed to exempting regional transport services from the Regulation.

Liability for death and injury of passengers: the amended text stipulates that for any damage up to the amount of EUR 220 000 per passenger, a bus and/or coach undertaking shall not exclude or limit its liability by proving that it has taken the care required, unless the total amount of the resulting claim exceeds the amount for which compulsory insurance is required under the national legislation of the Member state in which the bus or coach is normally based. In such a situation, liability shall be limited to that amount.

Damages: MEPs believe it would be unfair for the transport undertaking automatically to be obliged to take immediate remedial action before it is established exactly where the responsibility lies, unless there is evidence of its direct responsibility.

Liability for lost and damaged luggage: bus and/or coach undertakings cannot be held liable across the board if the loss or damage has been caused by circumstances not connected with the operation of bus and coach transport services and which the bus and/or coach undertaking could not have avoided or if the loss or damage is the fault of the passenger or caused by his negligence.

Derogations and special conditions: under the proposal, bus and/or coach undertakings may refuse, on the grounds of disability or reduced mobility, to accept a reservation in order to meet applicable safety requirements established by international or Community law. Given that there is no existing legislation requiring a bus operator to restrict the carriage of disabled persons due to safety concerns, MEPs deleted this provision, believing it would be dangerous to open up for the adoption of such legislation. However, derogations shall apply if the vehicle or the infrastructure at the place of departure or arrival or on the route is not fitted out in such a way as to guarantee the safe transport of disabled persons and persons with reduced mobility.

A disabled person or a person with reduced mobility who has been denied embarkation on the grounds of his disability or reduced mobility shall be offered the choice between the right to reimbursement and reasonable alternative transport services to the place of destination in a comparable time frame.

Furthermore, a bus and/or coach undertaking may require that disabled persons or persons with reduced mobility be accompanied by another person who is capable of providing the assistance required by that person, if this is strictly necessary, if the crew of the vehicle concerned consists only of one person who drives the vehicle and who is not in a position to provide the disabled person or the person with reduced mobility with assistance.

Accessibility and information: the rules on non-discriminatory access that apply to the transport of disabled persons and persons with reduced mobility should be established in co-operation with representative organisations. Moreover, international, Community or national law establishing the safety requirements, on which non-discriminatory access rules are based, must be provided in accessible formats for passengers with disabilities. All information concerning the conditions of carriage should be available to persons incapable of travelling without assistance because of their elderly or young age and accompanying persons.

Assistance: according to MEPs, it is crucial for the dignity and independence of each passenger to only receive assistance that corresponds to his or her particular needs. The passenger should be the one to decide what assistance he or she needs.

Right to assistance at terminals: where use of a recognised assistance dog is required, this shall be granted provided that the bus and/or coach undertaking, ticket vendor or tour operator were notified in accordance with applicable national rules covering the carriage of assistance dogs.

Conditions under which assistance is provided: MEPs consider that some flexibility in the notification system must be permitted. Therefore, the need for assistance should be notified at least 24 hours (instead of 48 hours) before the assistance is needed, unless a shorter notification period is proposed by the assistance provider, or agreed between the assistance provider and the passenger. The passenger shall receive a confirmation, stating that the assistance needs have been notified.

MEPs also believe it is necessary to ensure that the designated points and the information they provide are totally recognisable and accessible to disabled persons and persons with reduced mobility.

Compensation in respect of wheelchairs and mobility equipment: where necessary, every effort shall be undertaken to rapidly provide replacement equipment with similar technical and functional features to that lost or damaged. Once again, a bus and/or coach undertaking shall not be liable if the loss or damage has been caused by circumstances not connected with the operation of bus and coach transport

services and which the bus and/or coach undertaking could not have avoided or if the loss or damage is the fault of the passenger or was caused by the passenger's negligence. The amount of compensation payable shall be equivalent to the actual loss suffered.

Responsibility in the event of cancellations and long delays: bus and/or coach undertakings shall also be liable for overbookings. They shall be liable only for cancellations and delays resulting from circumstances within their control. That liability shall not cover delays as a result of traffic congestion and border and/or vehicle checks. Alternative services in the event of cancellation and long delays should be offered for free.

Compensation (in addition to full reimbursement) should not be more than 50% of the ticket price. Where the passenger chooses to accept the alternative transport services offered, they have the right to compensation amounting to 50% of the ticket price.

In the event of cancellations and long delays, passengers should also be offered: (i) meals and refreshments in line with the waiting time if they can be reasonably provided; (ii) hotel or other accommodation and transport between the terminal and the place of accommodation in case an overnight stay becomes necessary before the trip can be continued; (iii) transport from the location of the inoperational vehicle to a suitable waiting point and/or terminal from where continuation of the journey becomes possible (where the bus and/or coach becomes inoperable).

Bus and/or coach undertakings shall be liable for delays at arrival of more than two hours, where the delay is due to the driver's negligence and fault or a technical failure of the vehicle. In such events the passengers concerned shall at least have the right to compensation amounting to 50% of the ticket price and be offered assistance.

A bus and/or coach undertaking shall be exonerated from this liability if the cancellation or delay can be attributed to circumstances not connected with the operation of bus and coach transport services and which the bus and/or coach undertaking could not have avoided.

In the event of delay, the information shall be provided in accessible formats for persons with disabilities and persons with reduced mobility.

Cooperation: carriers shall cooperate in order to adopt arrangements at national or European level. Priority care should be provided for those passengers with special needs owing to disability, reduced mobility, illness, elderly age, pregnancy and extending to young children, and accompanying passengers. In the event of long delays and interruption or cancellation of travel, care shall focus on providing passengers with medical assistance and food and drink as necessary, regular information updates, and, where appropriate, alternative travel arrangements and accommodation.

Complaints: bus and/or coach undertakings shall issue annually a report containing the number and subject matter of complaints received, the average number of days required to answer them and corrective actions taken.

Entry into force: the coach and bus fleet needs some more time to adapt to the requirements of this Regulation. That is why MEPs propose that the Regulation should apply with effect from two years (instead of one year) after its entry into force.

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

During a public deliberation, the Council took note of the Presidency progress report on a draft Regulation on the rights of passengers in bus and coach transport. In addition, it held a policy debate focussing on the scope of this proposal on the basis of three questions suggested by the Presidency.

During the debate, all Member States reaffirmed their commitment to strengthening passenger rights travelling by bus and coach, in general, and, in particular, to facilitate travelling for disabled persons and persons with reduced mobility.

However, a vast majority of Member States have pointed out that they consider that the scope is not sufficiently adapted to the specificities of the bus and coach services industry and it needs to be clarified and adjusted.

- Regarding the first option (limited scope with no further exemption), a clear majority of delegations favour this option and consider that the scope of the proposed Regulation should be limited to national long-distance and international regular bus/coach transport services, bearing in mind the need to protect the rights of passengers as well as to adopt provisions which are proportionate and feasible as regards bus and coach undertakings.
- As for the second option (open scope with possible exemptions), some delegations consider that such an option is worth exploring: this would ensure that basic rights in selected areas would be guaranteed to all passengers, while leaving margin for possible national adaptations and exemptions taking into account the principle of subsidiarity as regards local transports.
- Regarding the third option (wide scope with graduated provisions), it could be supported only by two or three delegations. This option seems to be too prescriptive and lacking the necessary flexibility to be applied in an effective way to the whole sector of bus and coach transport services.

The Council invited the competent bodies to pursue the examination of the proposal in order to achieve significant progress under the forthcoming Swedish Presidency.

The Commission presented its proposal in December 2008. The European Parliament adopted its first-reading opinion in May 2009.

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

The Council, although it is in agreement with the Commission with regard to the purpose of the proposal, introduced a number of important amendments to the initial proposal. A large proportion of the amendments proposed by Parliament were incorporated in the Council's position in first reading, either totally, partially or in spirit.

The Council has sought to find a balanced solution that takes into account the rights of passengers as well as the need to ensure the economic viability of the operators of the bus and coach industry, which consists largely of small and medium-sized undertakings; this is why it incorporated the amendment that underlines the specific characteristics of the bus and coach transport sector.

Scope of application: the Council could not accept the scope as proposed by the Commission, nor Parliament's amendments related to it because it considered that urban, sub-urban and regional transport fall within the framework of subsidiarity. The Council thus proposes that the

draft Regulation should apply to passengers travelling with national and international regular services, but with a possibility at national level to exempt urban, suburban and regional regular services. In addition, it introduces a provision ensuring that certain basic rights are applied to all bus and coach services without exception (i.e. non-discriminatory contract conditions and tariffs and right to transport for disabled persons and persons with reduced mobility (PRMs) as well as related derogations).

Member States are authorised to grant an exemption of maximum five years, which may be renewed twice, from the application of the provisions of this Regulation to domestic regular services. In addition, Member States can grant an exemption of maximum five years, renewable, to particular regular services a significant part of which, including at least one scheduled stop, is operated outside the EU. Furthermore, a specific provision establishes that Member States who can ensure that the level of protection of disabled persons and persons with reduced mobility under their national rules is at least the same as under this Regulation can preserve their national rules in full.

Changes to the infrastructure: the Council is ready to encourage and support any initiative regarding new equipment and infrastructure, which has to be acquired or built bearing in mind the needs of disabled persons and PRMs. However, this Regulation cannot include obligations in respect of technical requirements for the carriers to modify or replace vehicles or infrastructure and equipment at terminals. Therefore none of Parliament's amendments regarding changes in infrastructure could be accepted.

Compensation and assistance in the event of accidents: the Council could accept neither the Commission's proposed approach nor Parliament's amendments in regard to liability. It, therefore, adopted an approach building on the existing system, adding at the same time some basic elements of harmonisation. A minimum threshold per passenger and per item of luggage is proposed: 220.000 EUR per passenger in case of death or personal injury. In case of loss of or damage to luggage, 500 EUR with regard to urban, suburban and regional services and 1.200 EUR with regard to other regular services.

As regards wheelchairs, other mobility equipment or assistive devices, the Council text provides for them to be always compensated in full, instead of being treated like ordinary luggage, even when damages are caused during the provision of assistance (in the spirit of Parliament's amendment). In addition, the text has been adapted to provide for assistance to passengers with regard to their immediate practical needs following an accident.

Rights of disabled persons and persons with reduced mobility (PRM): the Council supports the Commission's objective to ensure that disabled persons and persons with reduced mobility have non-discriminatory access to bus and coaches. It integrated several Parliament amendments in its text totally, partially or in spirit.

- Concerning the exceptions to the right to transport, the Council has provided for a number of improvements, referring to the "design" of the vehicle instead of the "size". It thus accepted Parliament's amendment as regards the choice to be offered to a disabled person or a PRM when embarkation is denied.
- According to the initial proposal, the carrier could require a disabled person or person with reduced mobility to be accompanied by another person who is capable of providing assistance. In the Council's first reading position, if the carrier makes such a request with respect to a passenger service, the accompanying person shall be carried free of charge and, where feasible, seated next to the disabled person or PRM. The Council's first reading text provides for non-discriminatory access conditions as well as for making them publicly available in a suitable format for disabled persons and PRMs. Moreover, the Commission shall make available on the internet a list of bus and coach terminals designated by Member States where assistance for disabled persons and PRM is provided.
- As for the assistance to disabled persons and persons with reduced mobility, such assistance will be provided on the condition that the person concerned notifies the carrier or the terminal operator at the latest two working days in advance (the Commission had proposed 48 hours) and is present in the designated point at least 60 minutes before the published departure time. Thus the Council could not accept Parliament's amendment proposing a shorter period of 24 hours. Furthermore, if the person has specific needs of seating, the passenger should notify the carrier of such needs at the time of reservation, if the need is known at that time.
- Concerning the assistance on board, the Council has limited the scope of the Commission's initial proposal. The Council's text establishes that information has to be provided in accessible format as well as assistance for boarding and alighting during pauses in a journey, the latter, however, only if there are personnel other than the driver on board. This takes account of the fact that most vehicles are operated by the driver alone and therefore providing assistance during the journey will have an impact on the driver hours, thus on safety requirements.
- Help to disabled persons and PRMs has to be provided free-of-charge at staffed terminals designated by the Member States and the personnel providing direct assistance to these persons should have received adequate training allowing them to assist such persons. Personnel, including drivers, who deal directly with the travelling public should receive disability-awareness training.

Passenger rights in the event of cancellation or delay: while the Council fully supports the principle that carriers and terminal operators should take care of their passengers, it has modified the Commission proposal, taking into account the specific structure of the bus and coaches industry. A different treatment was agreed regarding passengers departing from terminals and passengers departing from bus stops.

In the event of a delay of over two hours or a cancellation of the journey, the passenger may choose either to continue the journey using the same mode of transport, or to call for a transfer or to ask for the reimbursement of his/her ticket (paid within 14 days after the event and, if necessary, a return trip free of charge). In the case of a delay of more than two hours on journeys lasting over three hours, for passengers departing from a terminal, the carrier will be under the obligation to give passengers a meal or refreshments, in the spirit of Parliament's amendment, but will not be under the obligation to provide accommodation, although the carrier must assist in finding accommodation. However, bus and coach passengers will not benefit from additional indemnities (paid in addition to the price of the ticket) as it is the case for maritime and rail passengers. Thus Parliament's amendments related to compensation and accommodation have not been retained.

Council did not take on board Parliament's amendments regarding compensation and assistance in the event of delays in arrival and related exemptions in case of "force majeure", thus relieving the carrier from being held liable for damage if it is caused by circumstances not connected with the operation of their services and which they could not have foreseen. On the other hand, the amendment concerning information in formats accessible to disabled persons and persons with reduced mobility was taken on board by the Council

General rules on information, complaint handling and national enforcement bodies: the text provides that carriers and terminal managing bodies, within their respective areas of competence, provide adequate information to passengers throughout their travel, in accessible format where feasible. Furthermore, they shall inform passengers about their rights in an appropriate and comprehensible way (in the spirit of Parliament's amendment).

As regards complaints Council introduces more flexibility into the system in order to avoid any unforeseen consequences for the Member States' legal systems or administrative structures. Thus, it did not take on board Parliament's amendment which introduced an

obligation for bus and/or coach undertakings to issue annually a detailed report on complaints received. Following Parliament's suggestion, Council's text specifies more clearly that the national enforcement bodies should be independent of carriers, tour operators and terminal operators.

Date of application of the Regulation: the Regulation will apply two years after its publication, thus accepting Parliament's amendment in substance.

It should be noted that Council's first reading position does not incorporate certain other amendments dealing with:

- changes to the definitions of "transport contract", "ticket vendor", "tour operator", "cancellation";
- proposed new definition of "accessible formats";
- reference to "persons incapable of travelling without assistance because of their elderly or age";
- assistance adapted to the individual needs of disabled persons or persons with reduced mobility;
- need to ensure that the passenger receives a confirmation of the notification of his or her assistance needs;
- any compensation awarded under the Regulation, which may be deducted from any additional compensation granted;
- penalties applicable to infringements of the Regulation, which could include ordering the payment of compensation;
- the Annexes to the Regulation.

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

The Commission considers certain parts of its proposal to have been substantially modified by the Council.

1) the Council position gives Member States the possibility to exempt urban, suburban and regional regular services, including cross-border services of such nature, from the application of the Regulation. The Commission proposal included only such a possibility if such exempted services were covered by public services contracts ensuring a comparable level of passengers' rights. Additionally, Member States, for a limited period of time, may exempt domestic regular services as well as international services of which a significant part is operated outside the Union. These would represent significant limitation of the scope of application.

2) the Commission proposal contained a chapter with detailed rules on obligations of carriers with regards to compensation and assistance in the event of an accident. The Council position has replaced the initial Commission proposal related to carrier liability by a reference to applicable national law and an obligation for Member States to ensure that any maximum compensation under national law has to be no less than 220.000 EUR per passenger and 500 EUR per piece of luggage in urban, suburban and regional services (1.200 EUR for all other transport services). The Council position has also substituted the advance payment requirement by the obligation for carriers to provide assistance to the immediate practical needs of passengers following an accident. Although this position falls considerably behind the provisions in the Commission proposal, it would nonetheless increase the level of protection of passengers at European level, compared to the current situation.

Amendments of the European Parliament accepted by the Commission and included completely or partly in the Council position seeking to:

- underline the specificities of the bus and coach sector;
- refer to the framework conditions for the provision of disability-related training;
- clarify and streamline the wording of the proposal;
- clarify the format of information in order to be accessible to all passengers.

Amendments of the European Parliament accepted by the Commission but not included in the Council position seeking to:

- clarify certain recitals;
- introduce new recitals which encourage Member States and market actors to invest in vehicles and infrastructure suitable for the transport of disabled and passengers with reduced mobility;
- clarify certain definitions;
- clarify the conditions of the proposed regime of carriers' liability in the case of accidents;
- reinforce passenger rights in the case of delays and cancellation of services;
- specify the conditions under which passenger care shall be provided by carriers in case of delays;
- underline the need of carriers to ensure the accessibility of information and complaint handling mechanisms for all passengers including PRM;
- clarify and partially enhance the functioning of the complaint handling regime and enforcement provisions;
- clarify the list of assistance action to be provided to disabled and passengers with reduced mobility onboard;
- reinforce the conditions under which PRM shall be provided assistance for before, while and after their travel by bus and coach.

The Commission is deeply concerned about the very substantial modifications introduced by the Council as compared to the initial proposal of the Commission and to some amendments of the European Parliament, to the extent that they considerably reduce the scope of application of the draft Regulation and hence the level of protection of EU passengers. The Commission takes note of the position adopted by the Council by unanimity and considers that the level of ambitions should be constructively raised again in the framework of further inter-institutional debate in view of the final adoption of the Regulation.

The Commission declares that, despite the fact that the political agreement does not entirely meet certain important objectives of its initial proposal, it intends not to oppose this agreement in order to ensure the continuation of the ordinary legislative procedure.

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

The Committee on Transport and Tourism adopted the report drawn up by Antonio CANCIAN (EPP, IT) on the Council position at first reading for adopting a regulation of the European Parliament and of the Council concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004. It recommended that the European Parliament's position at second reading under the ordinary legislative procedure (formerly known as the codecision procedure) should be to amend the Council position as follows:

Scope: Members state that it should not be possible to exclude regional services from the scope of the Regulation. This is in line with Parliament's position at first reading but that position is modified. The report states that Member States would not have to prove, as a condition for their exemption, that they are covered by public service contracts ensuring a comparable level of passenger rights. When identifying urban or suburban transport, Member States should be allowed to refer to their domestic and local situation.

Furthermore, the report deletes the exemption for domestic regular services from the application of this Regulation. It also deletes the exemption for particular regular services because a significant part of the regular service, including at least one scheduled stop, is operated outside the Union.

Exemptions must be notified to the Commission within three months from the date of application of the Regulation.

Definitions: Members clarified definitions for « tour operator » and carrier.

Liability for death and injury of passengers: the Council position waters down significantly the provisions on liability as compared to both the original Commission proposal and the EP position at first reading. The amendment aims to restore the EP position at first reading. The report states that carriers shall be liable for the loss or damage resulting from the death of, or personal injury to, passengers, caused by accidents arising out of the operation of bus and coach transport services and occurring while the passenger is in, entering or leaving the vehicle. The non-contractual liability of carriers for damages shall not be subject to any financial limit, be it defined by law, convention or contract.

For any claim up to the amount of EUR 220 000 per passenger, a carrier shall not exclude or limit its liability by proving that it has taken the care required pursuant to the terms of the Regulation), unless the total amount of the resulting claim exceeds the amount for which compulsory insurance is, in conformity with Second Council Directive 84/5/EEC, required under the national legislation of the Member State in which the bus or coach is normally based. In such a situation, liability shall be limited to that amount.

A carrier shall not be liable: (a) if the accident has been caused by circumstances not connected with the operation of bus and coach transport services or which the carrier could not have avoided, in spite of having taken the care required in the particular circumstances of the case, or the consequences of which it was unable to prevent; (b) to the extent that the accident is the fault of the passenger or caused by his negligence.

Nothing in this Regulation shall: (a) imply that a carrier is the sole party liable to pay damages; or (b) restrict any rights of a carrier to seek redress from any other party in accordance with the applicable law of a Member State.

Damages: a reinstated clause states that in the event of the death of a passenger, the damages in respect of the liability provided for above shall comprise: a) any necessary costs following the passenger's death, in particular the cost of transporting the body and the funeral expenses; (b) if the death does not occur at once, the damages provided for below.

In the event of personal injury or any other physical or mental harm to a passenger, the damages shall comprise: (a) any necessary costs, in particular those for treatment and for transport; (b) compensation for financial loss, due to total or partial incapacity to work, or to increased needs.

If, through the death of the passenger, a person whom the passenger had, or would have had, a legal duty to maintain is deprived of support, such persons shall also be compensated for that loss.

Immediate practical and economic needs of passengers: the text now states that assistance shall include, where necessary, first aid, accommodation, food, clothes, transport and funeral expenses. In the event of death or personal injury, the carrier shall in addition make advance payments to cover immediate economic needs on a basis proportional to the damage suffered, provided that there is prima facie evidence of causality attributable to the carrier. The original proposal as well as Parliament's position at first reading provides for non-returnable advance payments in the event of personal injury and death to meet immediate economic needs of the victims.

Liability for lost and damaged luggage: Council deleted this Article and included provisions on compensation for lost and damaged luggage with those on liability for death and personal injury. These provide a lower level of protection for passengers. Therefore the amendment restores Parliament's position at first reading. The maximum compensation for luggage shall amount to EUR 1 800 per passenger, and the maximum compensation shall amount to EUR 1 300 per passenger.

Exceptions and special conditions: the report states that if a disabled person or a person of reduced mobility is refused to access on his or her own because of his disability or reduced mobility, he or she should have the right to be accompanied by another person. The same holds true for cases where the carrier cannot provide the assistance on board required according to Annex Ib.

Accessibility and information: it is important that the information is provided in accessible formats and that particular attention is paid to the needs of disabled persons and the person of reduced mobility. The amendment is based on the text adopted by Parliament at first reading.

Upon request the carriers shall immediately make available copies of the international, Union or national laws establishing the safety requirements, on which non-discriminatory access rules are based. These must be provided in accessible formats.

Right to assistance at designated terminals and on board buses and coaches: obligations to provide assistance according to the Annex of the Regulation should not be made subject to access conditions, which are defined by carriers and terminal managing bodies themselves.

Compensation in respect of wheelchairs and other mobility equipment: carriers and terminal managing bodies should always have to compensate the damage or loss of such equipment, in case they are responsible for it and not only if it is resulting from the provision of assistance. The report amends Council's wording accordingly.

Exemptions: the committee deleted the provision stating that Member States may exempt domestic regular services from the application of all or some of the provisions of the Chapter on the rights of disabled persons, provided that they ensure that the level of protection of disabled persons and persons with reduced mobility under their national rules is at least the same as under this Regulation. It notes that the provisions concerning rights of disabled persons and persons with reduced mobility have already been limited by the Council when compared to those in the original Commission proposal and Parliament's position at first reading. It would therefore be unacceptable to provide in addition for the possibility of exempting domestic services from the application of those provisions.

Continuation, re-routing and reimbursement: Members state that the Regulation should also offer passengers adequate rights in the case of overbooking. Re-routing should be at no additional costs.

Furthermore, in addition to normal reimbursement passengers must, have the right to compensation amounting to 50% of the ticket price if the

carrier fails to offer continuation or re-routing to the final destination.

Where the bus or coach becomes inoperable, passengers shall be offered transport from the location of the inoperable vehicle to a suitable waiting point or terminal from where continuation of the journey becomes possible.

Assistance in case of cancelled or delayed departures: passengers have the right to a hotel room or other accommodation.

In addition, the report makes provision for a compensation scheme in case of a delay at arrival, provided that the causes for the delay are attributed to the carrier.

Additional measures in favour of passengers: a re-instated article specifies that carriers shall cooperate in order to adopt arrangements at national or European level with the involvement of stakeholders, professional associations and associations of customers, passengers and disabled persons. These measures shall be aimed at improving care for passengers, especially in the event of long delays and interruption or cancellation of travel with a particular focus on passengers with special needs due to disability, reduced mobility, illness, elderly age, pregnancy and including accompanying passengers and passengers travelling with young children.

Right to travel information: this must be provided in accessible format and according to a common conceptual model for public transport data and systems.

Complaints: complaints handling mechanism should cover all passenger rights pursuant to this Regulation, including, for instance those laid down in Articles on exclusion of waiver and liability for death and injury of passengers, which would not be covered by the Council's text. The right to complain about alleged infringements should not be restricted. Moreover, it must be ensured that those complaints are dealt with by an appeal body when they are not resolved by the carrier.

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

The European Parliament adopted a resolution on the Council position at first reading for adopting a regulation of the European Parliament and of the Council concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004.

The main amendments are as follows:

Scope: Members state that it should not be possible to exclude regional services from the scope of the Regulation. This is in line with Parliament's position at first reading but that position is modified. Member States would not have to prove, as a condition for their exemption, that they are covered by public service contracts ensuring a comparable level of passenger rights. When identifying urban or suburban transport, Member States should be allowed to refer to their domestic and local situation.

Furthermore, the Parliament deletes the exemption for domestic regular services from the application of this Regulation. It also deletes the exemption for particular regular services because a significant part of the regular service, including at least one scheduled stop, is operated outside the Union.

Exemptions must be notified to the Commission within three months from the date of application of the Regulation.

Definitions: Members clarified definitions for 'tour operator' and 'carrier'.

Liability for death and injury of passengers: the Council position waters down significantly the provisions on liability as compared to both the original Commission proposal and the Parliament's position at first reading. The amendment aims to restore the Parliament's position at first reading. The text states that carriers shall be liable for the loss or damage resulting from the death of, or personal injury to, passengers, caused by accidents arising out of the operation of bus and coach transport services and occurring while the passenger is in, entering or leaving the vehicle. The non-contractual liability of carriers for damages shall not be subject to any financial limit, be it defined by law, convention or contract.

For any claim up to the amount of EUR 220 000 per passenger, a carrier shall not exclude or limit its liability by proving that it has taken the care required pursuant to the terms of the Regulation), unless the total amount of the resulting claim exceeds the amount for which compulsory insurance is, in conformity with Second Council Directive 84/5/EEC, required under the national legislation of the Member State in which the bus or coach is normally based. In such a situation, liability shall be limited to that amount.

A carrier shall not be liable: (a) if the accident has been caused by circumstances not connected with the operation of bus and coach transport services or which the carrier could not have avoided, in spite of having taken the care required in the particular circumstances of the case, or the consequences of which it was unable to prevent;(b) to the extent that the accident is the fault of the passenger or caused by his negligence.

Nothing in this Regulation shall: (a) imply that a carrier is the sole party liable to pay damages; or(b) restrict any rights of a carrier to seek redress from any other party in accordance with the applicable law of a Member State.

Damages: a reinstated clause states that in the event of the death of a passenger, the damages in respect of the liability provided for above shall comprise: a) any necessary costs following the passenger's death, in particular the cost of transporting the body and the funeral expenses; (b) if the death does not occur at once, the damages provided for below.

In the event of personal injury or any other physical or mental harm to a passenger, the damages shall comprise :(a) any necessary costs, in particular those for treatment and for transport; (b) compensation for financial loss, due to total or partial incapacity to work, or to increased needs.

If, through the death of the passenger, a person whom the passenger had, or would have had, a legal duty to maintain is deprived of support, such persons shall also be compensated for that loss.

Immediate practical and economic needs of passengers: the text now states that assistance shall include, where necessary, first aid, accommodation, food, clothes, transport and funeral expenses. In the event of death or personal injury, the carrier shall in addition make advance payments to cover immediate economic needs on a basis proportional to the damage suffered, provided that there is prima facie

evidence of causality attributable to the carrier. Any payments made, or assistance provided shall not constitute recognition of liability. The original proposal as well as Parliament's position at first reading provides for non-returnable advance payments in the event of personal injury and death to meet immediate economic needs of the victims.

Liability for lost and damaged luggage: Council deleted this Article and included provisions on compensation for lost and damaged luggage with those on liability for death and personal injury. These provide a lower level of protection for passengers. Therefore the amendment restores Parliament's position at first reading. The maximum compensation for luggage shall amount to EUR 1 800 per passenger, and the maximum compensation shall amount to EUR 1 300 per passenger.

Exceptions and special conditions: the text states that if a disabled person or a person of reduced mobility is refused to access on his or her own because of his disability or reduced mobility, he or she should have the right to be accompanied by another person. The same holds true for cases where the carrier cannot provide the assistance on board required according to Annex Ib.

Accessibility and information: it is important that the information is provided in accessible formats and that particular attention is paid to the needs of disabled persons and the person of reduced mobility. The amendment is based on the text adopted by Parliament at first reading.

Upon request the carriers shall immediately make available copies of the international, Union or national laws establishing the safety requirements, on which non-discriminatory access rules are based. These must be provided in accessible formats.

Right to assistance at designated terminals and on board buses and coaches: obligations to provide assistance according to the Annex of the Regulation should not be made subject to access conditions, which are defined by carriers and terminal managing bodies themselves. The person's need for such assistance is notified to carriers, terminal managing bodies, travel agents or tour operators at the latest 24 hours before the assistance is needed (as opposed to 2 working days). Moreover, assistance shall be provided on condition that the person concerned presents himself 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 between the carrier and the passenger.

Compensation in respect of wheelchairs and other mobility equipment: carriers and terminal managing bodies should always have to compensate the damage or loss of such equipment, in case they are responsible for it and not only if it is resulting from the provision of assistance. The resolution amends Council's wording accordingly.

Exemptions: Parliament deleted the provision stating that Member States may exempt domestic regular services from the application of all or some of the provisions of the Chapter on the rights of disabled persons, provided that they ensure that the level of protection of disabled persons and persons with reduced mobility under their national rules is at least the same as under this Regulation. It notes that the provisions concerning rights of disabled persons and persons with reduced mobility have already been limited by the Council when compared to those in the original Commission proposal and Parliament's position at first reading. It would therefore be unacceptable to provide in addition for the possibility of exempting domestic services from the application of those provisions.

Continuation, re-routing and reimbursement: Members state that the Regulation should also offer passengers adequate rights in the case of overbooking. Re-routing should be at no additional costs. Furthermore, in addition to normal reimbursement passengers must, have the right to compensation amounting to 50% of the ticket price if the carrier fails to offer continuation or re-routing to the final destination. The compensation shall be paid within one month after the submission of the request for compensation. Where the bus or coach becomes inoperable, passengers shall be offered transport from the location of the inoperable vehicle to a suitable waiting point or terminal from where continuation of the journey becomes possible. For a journey of a scheduled duration of more than three hours the carrier shall, in case of cancellation or delay in departure from a terminal of more than one hour, offer the passenger free of charge (and not two hours as laid down by the Council).

Assistance in case of cancelled or delayed departures: passengers have the right to a hotel room or other accommodation.

Additional measures in favour of passengers: a re-instated article specifies that carriers shall cooperate in order to adopt arrangements at national or European level with the involvement of stakeholders, professional associations and associations of customers, passengers and disabled persons. These measures shall be aimed at improving care for passengers, especially in the event of long delays and interruption or cancellation of travel with a particular focus on passengers with special needs due to disability, reduced mobility, illness, elderly age, pregnancy and including accompanying passengers and passengers travelling with young children.

Right to travel information: this must be provided in accessible format and according to a common conceptual model for public transport data and systems.

Complaints: complaints handling mechanism should cover all passenger rights pursuant to this Regulation. The time taken to provide the final reply shall not be longer than two months (instead of 3 months) from the receipt of the complaint.

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

The Commission welcomes the efforts made by the EP to enhance the provisions that are capable of lifting up the level of protection of the Passenger compared to the Council Position. On many issues the amendments voted by the EP deviate from the Council Position. However, the Commission is convinced that a compromise can be found in conciliation.

The European Parliament adopted 50 amendments. The Commission can accept 5 amendments as they stand: these amendments clarify recitals, definitions (of 'carrier?') and provisions on delays which improve either the quality of the legal text or constitute improvements in the level of passenger protection.

The Commission accepts three amendments in principle and 39 amendments subject to redrafting.

Scope: the Commission accepts the amendments related to the scope of the Draft Regulation which compared to the Council Position limit the possibility of Member States to exempt passenger rights for certain types of services such as domestic services and local services (i.e. urban, suburban and regional services) and which limit the duration in time of such exemptions as they improve the protection of passengers. However, in order to ensure clarity, coherence and legal certainty five amendments would require redrafting.

The Commission can accept the amendments concerning the deletion of the possibility for Member States to exempt from the scope domestic as well as international services if a significant part is provided outside the EU) in order to ensure a wide application of this passenger rights

legislation. However, in view of reaching a compromise with the Council the Commission acknowledges that a wider scope of application can probably only be achieved through a more flexible approach, i.e. the possible exemption of the abovementioned services but through a longer list of non-exemptible articles than the limited one proposed by the Council.

Compensation and assistance in the event of accidents: the Commission accepts the amendments related to Compensation and assistance in the event of accidents that improve the protection of passengers compared to the Council Position. However, some amendments would require significant redrafting in order to render them compatible with existing liability legislation for motor vehicles and thus to find an agreement with the Council.

Disabled persons and persons with reduced mobility: the Commission accepts the amendments related to disabled persons and persons with reduced mobility that improve the provisions concerning their accessibility to bus and coach services compared to the Council Position. However, several amendments require redrafting.

Cancellation or delay: the Commission accepts the amendments related to passenger rights in the case of cancellation or delays of bus and coach services that improve the protection of passengers for instance in terms of better conditions for compensation and assistance. However, five amendments require redrafting. The Commission can accept amendment 44 in principle (new Art 22 a setting an obligation for carriers to cooperate with relevant stakeholders to be able to improve care for passengers). However, in view of reaching a compromise with the Council the Commission acknowledges that a more flexible approach to this cooperation obligation imposed to operators may be needed.

Information: the Commission accepts the amendments related to the provision of information about the transport services and their execution as well as about the rights of passengers that constitute improvements for travellers compared to the Council Position. However, three amendments require redrafting.

Complaint handling and enforcement: the Commission accepts the amendments related to the conditions of establishment of complaint handling mechanisms and of national enforcement bodies that enhance coverage of passenger protection and facilitates lean administrative structures. However, three amendments require redrafting. The Commission can accept the amendment which aims to extend the scope of independent complaint handling schemes to Art 5 to 7 of this Regulation. However, in view of reaching a compromise with the Council the Commission acknowledges that a more flexible approach to this provision may be needed to ensure legal consistency between national law and EU law, thus excluding Art 7 from the scope of Art 27(3) as Art 7 refers to national liability legislation whose legal review procedures may diverge from the procedural timelines defined in this Regulation.

The Commission rejects the amendment on the definition of tour operator as the deletion of the reference to 'retailer' in the definition would neither fit into the legal architecture of this draft Regulation nor be consistent with existing passenger rights legislation such as Regulations 1107/2006 and 1371/2007.

It also rejects amendments which aim at deleting Art 18(1) and (2) which give Member States the possibility to exempt domestic regular services from the application of provisions in Chapter III of this Regulation, if they ensure that the level of protection of disabled persons and persons with reduced mobility is at least the same as under the Regulation.

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

The Council rejected the European Parliament's second-reading amendments to the draft regulation on bus and coach passengers' rights on which the Council had agreed in its first-reading position in March 2010. This means that a conciliation procedure will be launched in accordance with article 294 of the Lisbon treaty. Once a meeting of a conciliation committee composed of representatives of both institutions has been convened, the committee has a maximum of eight weeks to find a compromise.

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

Parliament and Council representatives reached agreement on the proposed regulation on passengers' rights in bus and coach transport. The compromise agreed in conciliation covered compensation for delays on long-distance services (over 250 kilometres), assistance in the event of delays, assistance for passengers with reduced mobility and compensation for lost or damaged luggage.

The EP delegation to the negotiations was led by Vice-President Rodi KRATSA-TSAGAROPOULOU (EPP, GR). The compromise would have to be put to a vote in plenary, probably in February 2011.

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

The European Parliament delegation to the Conciliation Committee, chaired by Rodi KRATSA-TSAGAROPOULOU (EPP, GR), tabled a report for third reading under the ordinary legislative procedure, proposing that Parliament should approve the joint text approved by the Conciliation Committee for a regulation of the European Parliament and of the Council concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004. The rapporteur for this procedure in the Committee on Transport and Tourism was Antonio CANCIAN (EPP, IT).

The main points of the agreement in conciliation, which was finally reached in the evening of 30/11/2010, can be summarised as follows:

Scope

- The Regulation would apply to all regular services, national and cross-border, where the scheduled distance was 250 km or over ('long distance'). Passengers travelling only a part of such a long-distance service would also be covered. It should be noted that the Council's initial negotiating position was that only 500 km or over should count as 'long distance'.
- Certain basic rights under the Regulation would also apply to passengers travelling over shorter scheduled distances and would focus on the needs of disabled persons and those with reduced mobility (non-discriminatory access to transport, compensation for loss of or

damage to wheelchairs or other mobility equipment, disability-related training of staff of buses and coaches, information to be provided during the journey, etc.).

Time derogations

With the exception of these basic rights, Member States may exempt domestic regular services from the application of the Regulation for a period no longer than four years, renewable once (the Council had sought exemptions of up to 15 years).

Compensation and assistance in the event of accidents

- Passengers are entitled to compensation for death (including reasonable funeral expenses) or personal injury as well as to loss of or damage to luggage due to accidents. The ceilings for such compensation under national law must not be lower than the minimum amounts laid down in the Regulation, namely, EUR 220 000 per passenger and EUR 1200 per item of luggage. Damage to assistive devices such as wheelchairs must be compensated entirely.
- In the event of an accident passengers are also entitled to assistance to cover their immediate practical needs, including provision of food and clothes, transport, facilitation of first assistance, and accommodation of up to EUR 80 per night per passenger (as opposed to EUR 50 advocated by the Council) for a maximum of two nights.

Passengers' rights in the event of cancellations or delays

- Where a bus or coach service is cancelled or delayed for more than 120 minutes or overbooked, passengers shall immediately be offered the choice between continuation of the journey or re-routing to their final destination at no additional cost or reimbursement of the ticket price; if the carrier fails to offer this choice, passengers shall have the right to compensation amounting to 50% of the ticket price, in addition to the reimbursement of the ticket price.
- Where the bus or coach becomes inoperable during the journey, the carrier shall provide either the continuation of the service with another vehicle or transport to a suitable waiting point or terminal from where the continuation of the journey becomes possible.
- In the event of cancellation or delay passengers shall be provided with all necessary information; where feasible, this information shall be provided by electronic means to all passengers, including those not departing from terminals, if the passenger has requested this and has provided the necessary contact details to the carrier.
- Where a journey of more than three hours is cancelled or departure is delayed for more than 90 minutes, passengers must be offered snacks, meals or refreshments, as well as hotel accommodation of up to EUR 80 per night per person (as opposed to EUR 50 advocated by the Council), for a maximum of two nights; however, the obligation to provide accommodation does not apply if the cancellation or delay is caused by severe weather conditions or major natural disasters.

Rights of disabled persons and persons with reduced mobility

- Bus and coach companies are required to provide assistance to disabled persons and persons with reduced mobility, provided that the passenger informs the company of his/her needs at the latest 36 hours before departure. If the operator is unable to provide suitable assistance, the passenger with reduced mobility may be accompanied at no extra cost by a companion of his/her choice.
- Any loss of or damage to wheelchairs or other assistance equipment must be compensated by the company or the management body of the station responsible.

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

The European Parliament adopted, by 504 votes to 63, with 89 abstentions, at third reading under the ordinary legislative procedure, a legislative resolution approving the joint text approved by the Conciliation Committee for a regulation of the European Parliament and of the Council concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004.

For further details of the Agreement, please refer to the summary dated 02/02/2011.

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

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 for more 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 for more 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.

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

The Commission presents a report on the application of Regulation (EU) No 181/2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004.

Background: the Union adopted legislation on passenger rights for all modes of transport (aviation, rail, waterborne and bus/coach transport) in order to give members of the public a guaranteed minimum level of protection when they travel in Europe, and thus to facilitate their mobility and social integration.

Bus and coach transport holds a 9.2 % share of all land passenger transport in the EU and is the most important means of land passenger transport after private cars (81.7 %). The liberalisation of the international coach market more than a decade ago⁶ and the recent liberalisation of the domestic coach markets in several Member States (including Germany and France) has created steady growth in the coach sector.

Surveys carried out in several Member States at national level show that passengers using this mode of transport tend to be vulnerable, as they are often on low incomes (a very high percentage of bus and coach users are students or elderly people with small pensions) or live in geographically isolated areas, where bus and coach is the only available mode of public transport. Poor access to bus and coach transport can severely impede their integration into society.

Assessment of the operation of the Regulation: the Commission has not identified any deliberate or serious breaches of the Regulation. Most individual complaints of which the Commission is aware relate to the lack of information, assistance or compensation provided in the event of

long delays or cancellations. The reports provided by the national enforcement bodies suggest that many complaints fall outside the scope of the Regulation.

Despite this positive overall picture, the Commission identified a number of factors that are preventing the Regulation from being applied more efficiently:

- passengers and operators are not sufficiently aware of their rights and obligations;
- enforcement is lagging behind in some Member States: by 1 March 2013, the date on which the Regulation became applicable, none of the Member States had adopted all the national measures needed. Some Member States adopted the required measures with a delay of two years. Some Member States have no alternative dispute resolution mechanism;
- some provisions in the Regulation have been interpreted differently by different national enforcement bodies (NEBs) and operators.

Measures taken by the Commission: the Commission took the following measures to address the issues identified above:

- in June 2013, the Commission launched a two-year information campaign on passenger rights for all modes of transport, including bus and coach. It published a summary of the Regulation, which is widely used by NEBs and operators to inform passengers about their rights;
- the Commission launched infringement proceedings against Member States that had failed to designate a national enforcement body, to lay down penalties in their national law to sanction operators that breach the Regulation or to designate bus and coach terminals where passengers with disabilities or reduced mobility may receive appropriate assistance. It also took measures to ensure uniform application of the provisions throughout the EU.

Conclusions and next steps: in the light of the limited experience of application of the Regulation gained to date, the Commission considers there to be no justification for amending it. The stakeholders and the national enforcement bodies agree that several of the obstacles that are preventing passengers from enjoying their rights or having them enforced can be removed by applying the current Regulation more effectively. The Commission is therefore taking action and recommending to stakeholders and NEBs as follows:

- organisation of the third information campaign between the spring of 2016 and the end of 2017 to raise passengers awareness of their rights, focusing on social media;
- national enforcement bodies are encouraged to: (i) carry out inspections of buses, coaches and terminals, inter alia to verify how the Regulation is being applied in practice and (ii) check carriers homepages to ensure that they contain information on passenger rights;
- Member States that do not currently offer an alternative dispute resolution mechanism for passenger rights are encouraged to put such a mechanism in place;
- organise regular meetings with NEBs and representative bodies, with a view to reaching a common understanding on the interpretation and implementation of the Regulation;
- publish general interpretative guidelines to accompany the Regulation, and/or good practice documents on specific issues;
- collect information on local and national good practice for improving the accessibility of bus and coach transport for passengers with disabilities or reduced mobility;
- national and local authorities and private investors are encouraged to: (i) ensure multimodal connection of bus and coaches stations and terminals to other modes, notably to railways and to regional and local transport in urban nodes; (ii) refurbish the existing bus and coach terminals or build new state-of-art terminals which are also fully accessible for persons with disability or reduced mobility

Lastly, the Commission encourages Member States that currently grant exemptions from the Regulation 34 or parts of it to review whether, in the light of current experience, it is necessary to continue these exemptions.

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

The Commission presented its report on the exemptions granted by Member States under Regulation (EU) No 181/2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004.

Regulation (EU) No 181/2011 lays down a series of rights for passengers who travel by bus and coach in the European Union. It became applicable on 1 March 2013.

Several Member States granted extensive exemptions during the first four years from the application of the Regulation in order to allow bus and coach carrier to prepare for its application.

(1) In accordance with Article 2(4) of the Regulation, Member States could, on a transparent and non-discriminatory basis, exempt those purely domestic regular services where the scheduled distance is equal or above 250 km from the application of the non-core rights until 28 February 2017. This exemption could be renewed once, for a period of up to four years (ending on 28 February 2021 at the latest). In 2013, when the Regulation became applicable, a total of 13 Member States applied exemptions of this type. In 2017, a total of 8 Member States (Croatia, Estonia, Hungary, Latvia, Portugal, Slovakia, Slovenia and the United Kingdom) decided to renew this exemption.

(2) In accordance with Article 2(5) of the Regulation, Member States could also grant exemptions from the application of the entire Regulation to regular services where a significant part of the service (including at least one scheduled stop) is operated outside the EU. These exemptions, which must also be awarded on a transparent and non-discriminatory basis, expired on 28 February 2017, but they could be renewed once for a period of up to four years (ending on 28 February 2021 at the latest).

In 2013, a total of 14 Member States granted exemptions of this type.

In 2017, a total of 9 Member States (Croatia, Estonia, Greece, Finland, Hungary, Latvia, Slovakia, Slovenia and the United Kingdom) decided to renew this exemption.

(3) In accordance with Article 18(1) of the Regulation, Member States can exempt their domestic services from the application of all or some of the provisions of Chapter III of the Regulation on the rights of passengers with disability or reduced mobility, provided that they ensure that the level of protection of disabled persons and persons with reduced mobility under their national rules is at least the same as under the Regulation. Member States shall inform the Commission of such exemptions granted. None of the Member States granted exemptions on the basis of Article 18(1) of the Regulation.

Before submitting its Report, the Commission consulted in 2016 stakeholders on the application of the Regulation. During this consultation, passengers organisations criticised Member States for granting too many exemptions. In their opinion, the extensive use of exemptions deprives passengers of the full enjoyment of their rights and of legal certainty (particularly as it is difficult for passengers to know which Member States apply which exemptions).

The Commission encouraged Member States, which granted exemptions from the Regulation, to review before 28 March 2017 whether, in the light of their experiences, it is necessary to continue these exemptions.

The Member States explained their decisions to grant exemptions as follows:

- the Czech Republic, Hungary and The Netherlands exempted purely domestic regular services to give more time for national operators to prepare for the application of the Regulation and make the necessary investments (e.g. accessibility of fleet and infrastructure);
- Estonia and Latvia exempted such services because fully applying the Regulation to domestic services would be a significant burden for the operators, which would terminate operating certain services;
- Croatia granted this exemption at the request of national carriers;
- the UK granted this exemption in line with the general government policy to make use of all exemptions from EU legislation, which would reduce costs to businesses;
- Germany, Estonia, Latvia, and The Netherlands explained that they exempted regular services with a significant part of the service operated outside the European Union to renegotiate their bilateral road passenger transport agreements with third countries and introduce similar passenger rights articles in such agreements.