Council adopts regulation on rights of bus and coach passengers

The Council adopted today a regulation on the rights of bus and coach passengers (PE-CONS 63/10 + 5442/11 ADD 1 REV 1), following an agreement reached with the European Parliament. For the regulation to be finally adopted, it also needs to be endorsed by a vote in the Parliament scheduled for 15 February 2011. The act will become applicable two years after its publication in the EU's Official Journal.

Objective

The regulation aims at strengthening bus and coach passengers' rights as regards compensation and assistance in the event of accidents, non-discrimination of and assistance to persons with disabilities or reduced mobility, rights in the event of cancellation or delay, information to be provided to passengers and handling of complaints.

The regulation is part of a general EU policy to ensure equal treatment of passengers, regardless of the mode of transport chosen, while reinforcing passenger rights, with particular attention paid to non-discrimination against persons with disabilities or reduced mobility. Similar legislation has already been adopted for transport by air, rail and ship.

The decision was taken without discussion at a meeting of the General Affairs Council. Germany voted against, and Ireland abstained.
**Scope**

The regulation will apply 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.

**Main 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 respect 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.

  The issue of liability, that is, of who eventually has to pay for compensation, is to be dealt with in accordance with national law and the existing European legislation in order to take account of diverging legislation on this subject in different member states.

- 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. 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. 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.
• Passenger rights in the event of **cancellation or delay**: where a journey is cancelled, delayed for more than two hours 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.

The obligations under this regulation do not imply new technical requirements for buses or coaches or for infrastructure and equipment at terminals.