

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

2008/0237(COD) - 24/03/2010 - Commission communication on Council's position

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;
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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.