

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

2008/0237(COD) - 06/09/2010 - Commission opinion on Parliament's position at 2nd reading

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.