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

2008/0237(COD) - 27/09/2016 - Follow-up document

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.