

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

2008/0237(COD) - 12/04/2019 - Follow-up document

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.