

# Summary of the rights of passengers travelling by bus and coach<sup>1</sup>

Regulation (EU) 181/2011 (hereinafter the Regulation) becomes applicable on 1 March 2013.

It provides for a minimum set of rights for passengers travelling by bus and coach services within the European Union.

In principle, the Regulation applies to "regular services" (in other words services provided at specified intervals along specified routes, passengers being picked up and set down at predetermined stopping points) for non-specified categories of passengers, where the boarding or alighting point of the passengers is situated in the territory of a Member State<sup>2</sup>.

The following core rights will be applicable to all regular services, irrespective of the scheduled distance of the service:

- non-discriminatory transport conditions,
- access to transport for disabled persons and persons with reduced mobility at no additional cost and the financial compensation for the loss or damage of their mobility equipment,
- minimum rules on travel information for all passengers before and during their journey as well as general information about their rights,
- a complaint handling mechanism by carriers available to all passengers,
- independent national bodies in each Member State with the mandate to enforce the regulation and where appropriate to impose penalties.

In addition, the following rights are applicable to regular services where the scheduled distance is 250 km or more (hereinafter long-distance regular services):

- provision of (electronic) tickets or any other documents giving entitlement to transport,

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<sup>1</sup> Summary drafted in accordance with Article 25(2) of Regulation (EU) N° 181/2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 [OJ L 55, 28.2.2011, p 1]. This summary is not legally binding.

<sup>2</sup> In addition, some rights also apply to the so called "occasional services", where the group of passengers is constituted on the initiative of the customer or the carrier himself provided that the initial boarding point or the final alighting point of the passenger is situated in the territory of a Member State:

- a) non-discriminatory transport conditions,
- b) provision of (electronic) tickets or any other documents giving entitlement to transport,
- c) compensation and assistance in case of death, injury, loss or damage caused by accidents,
- d) financial compensation for the loss or damage of the mobility equipment of disabled passengers and passengers with reduced mobility

- compensation and assistance in case of death, injury, loss or damage caused by accidents,
- information when the service is cancelled or delayed in departure,
- right of reimbursement of the full ticket price or rerouting in case of cancellation or long delay,
- adequate assistance in case of cancellation or long delay (only applicable when the scheduled duration of the journey is more than 3 hours),
- compensation up to 50 % of the ticket price if the carrier failed to offer the passenger the choice between reimbursement of the ticket price or rerouting in case of cancellation or long delay,
- specific assistance at no additional cost for disabled persons and persons with reduced mobility both at bus terminals and on board.

However, Member States may, on a transparent and non-discriminatory basis, grant an exemption from these additional rights to purely domestic regular services for a period of no longer than four years, which may be renewed once (making a maximum of 8 years).

Finally, Member States may on a transparent and non-discriminatory basis, grant an exemption from the application of the entire Regulation for a period of no longer than four years which may be renewed once (making a maximum of 8 years) in case of regular services where significant part of the service (including at least one scheduled stop) is operated outside the European Union.

## **Overview of the rights of passengers travelling by bus and coach transport**

### **1) Right to non-discriminatory transport conditions**

All persons have the right not to be discriminated directly or indirectly based on their nationality or on the place of establishment of the carriers or ticket vendors within the Union when purchasing tickets of bus and coach passenger transport services.

In case of long-distance regular services, the carrier shall issue a ticket to the passenger (it can also be issued in electronic format) unless other documents give entitlement to the transport.

### **2) Right to information**

All passengers travelling by regular bus and coach services have the right to adequate information throughout their travel. This right includes the right to be informed about passenger rights and the contact details of national enforcement bodies.

All the relevant general information and the conditions of carriage shall be available in formats accessible for disabled persons and persons with reduced mobility (for example large print, plain language, Braille, audio tapes).

In addition, in case of long-distance regular services passengers departing from terminals shall be informed by the carrier or, where appropriate, the terminal managing body, in the event of cancellation or delay in departure about the situation as soon as possible and in any event no later than 30 minutes after the scheduled departure time, and of the estimated departure time as soon as this information is available. In case the passengers miss a connecting service due to a cancellation or delay, the carrier or, where appropriate, the terminal managing body, shall make reasonable efforts to inform them of the alternative connections. The carrier shall also provide this information to the passengers by electronic means if this is feasible, if the passengers requested it and gave the necessary contact details to the carrier.

### **3) Right of compensation and assistance in the event of accidents**

In case of long-distance regular services, passengers are entitled to compensation for death, personal injury as well as for loss of and damage to luggage due to accidents arising out of the use of bus and coach services. The conditions and amount of compensation is governed by applicable national law, and only certain minimum amounts are stipulated in the Regulation. This financial compensation is not automatic, it must be claimed in national courts.

In addition, the carrier shall provide reasonable and proportionate assistance covering the immediate practical needs of passengers travelling on long-distance regular services following the accident. Such assistance shall include, where necessary, accommodation, food, clothes, transport and the facilitation of first aid.

### **4) Right of continuation, re-routing and reimbursement in case of cancellation or long delay**

In case of long-distance regular services<sup>3</sup>, if there is an overbooking or the carrier reasonably expects either the delay of more than 120 minutes as compared to the scheduled time of departure or the cancellation of the service, the passengers have the right to choose between

- re-routing to the final destination at no additional costs at the earliest opportunity under comparable conditions, and
- reimbursement of the full ticket price combined, where relevant, with a free of charge return service at the earliest opportunity to the first point of departure set out in the transport contract.

The same right to choose is applicable if the service is cancelled or delayed in departure from a bus stop for more than 120 minutes.

The passenger shall have the right to compensation amounting to 50 % of the ticket price: if the carrier fails to offer the passenger in the above mentioned situation either reimbursement or rerouting.

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<sup>3</sup> this provision is not applicable to passengers with open tickets as long as the time of departure is not specified, except for passengers holding a travel pass or a season ticket

This right of compensation and the eventual reimbursement of the ticket does not prevent passengers from seeking damages in accordance with national law before national courts in respect of loss resulting from cancellation or delay of regular services.

If the bus or coach breaks down during the journey, the carrier must send another bus or coach to the place where the original bus or coach broke down, either to continue the service and carry the passengers to their destination or to transport them to a suitable waiting point or terminal from where continuation of the journey becomes possible.

### **5) Right of assistance in case of cancelled or delayed departures**

In case of a long-distance regular service of more than three hours of duration, in situations of cancellation or following a delay of more than 90 minutes passengers are entitled to adequate assistance: including snacks, meals and refreshments as well as, if necessary, accommodation (the carriers may limit the total cost of accommodation to 80 euro per night for a maximum of two nights and they are not obliged to cover accommodation costs in case the cancellation or delay is caused by severe weather conditions or major natural disasters).

### **6) Right of disabled passengers and passengers with reduced mobility<sup>4</sup>**

Besides the general passenger rights, disabled persons and persons with reduced mobility have the following rights when using regular bus and coach services, in order to allow them to enjoy the same possibilities to travel as other citizens.

#### **(a) Right to access to transport for disabled persons and persons with reduced mobility at no additional cost**

Carriers, travel agents and tour operators may not ask a disabled person or person with reduced mobility to pay any additional fee for reservations and tickets.

They are also not allowed to refuse accepting a reservation from, providing a ticket to, or taking on board passengers on the ground of their disability or reduced mobility. Exceptions may only be made when transporting the disabled person or person with reduced mobility in question would not be possible in compliance with the applicable passenger safety legislation and the health and safety requirements of the competent authorities or when the design of bus, coach or the transport infrastructure make it impossible to transport this person in a safe and operationally feasible manner.

In case of long-distance regular services, if the carrier, travel agent and tour operator refuses to accept a reservation, provide a ticket or take on board a passenger on the above mentioned grounds, it shall immediately inform the passenger of the refusal's reasons, and in case the passenger so requests, put this information in writing. In addition, in case of refusal to accept

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<sup>4</sup> Member States may exempt domestic regular services from the application of the provisions applicable to disabled persons and persons with reduced mobility provided that they ensure that the level of protection of these persons under their national rules is at least the same as under the Regulation

reservation or to provide a ticket, it shall inform this person about any acceptable alternative service operated by the carrier. If the reasons for which the passenger concerned was refused a booking or boarding can be removed by the presence of a person who can provide the necessary assistance, this passenger may request to be accompanied by a person of his or her choice free of charge.

In case of long-distance regular services, if a disabled person or a person with reduced mobility holds a ticket or a reservation and duly notified the carrier about his or her specific needs, and is nonetheless denied boarding on the ground of the disability or reduced mobility, he or she may choose between reimbursement and rerouting, the latter being conditional upon the availability of appropriate travel services.

The carriers and terminal operators shall have in place non-discriminatory access conditions for the transport of disabled persons and persons with reduced mobility. These conditions shall be made publicly available and shall be distributed physically at the request of the passenger.

#### **(b) right to special assistance**

In case of long-term regular services, carriers and terminal management bodies shall provide, within their respective areas of competence, assistance free of charge to disabled persons and persons with reduced mobility.

Disabled persons and persons with reduced mobility have to notify the carrier about their specific needs at the latest 36 hours before the assistance is needed, and have to present themselves at the designated point of the bus terminal at the agreed time before the departure time (this cannot be more than 60 minutes).

#### **(c) right for compensation for loss of or damage to mobility equipment**

Where a carrier or terminal operator has caused loss of or damaged a mobility equipment (wheelchair and other assistive devices), it has to pay a compensation corresponding to the replacement cost of the equipment concerned, or the costs of repair (provided that it is possible to repair that equipment).

If necessary, it shall make every effort to temporarily replace the mobility equipment lost or damaged.

### **7) Right to submit complaints to the carriers and national enforcement bodies**

Passengers may submit complaints to the carrier within 3 months from the date on which the regular service was performed or when a regular service should have been performed. Within 1 month of receiving the complaint, the carrier shall give notice to the passenger that his complaint has been substantiated, rejected or is still being considered. The carrier shall provide the final reply within 3 months from the receipt of the complaint.

The above mentioned deadlines do not apply to issues related to compensation for death, personal injury or damage and loss of luggage in the event of accidents.

### **8) Enforcement of passenger rights**

Each Member State must designate one or more national enforcement bodies to enforce the rights mentioned in the Regulation.

The national enforcement body is responsible for the enforcement of the Regulation as regards regular services from points situated on the territory of the Member State and regular services from a third country to such points.

Passengers may submit complaints to the appropriate national enforcement body about the infringement of the Regulation. A Member State may decide that passengers as a first step shall submit a complaint to the carrier in which case the national enforcement body shall act as an appeal body for the complaints not resolved.