



To:
European Commission
Directorate General for Mobility and Transport
Directorate D
Unit D4 - Passenger rights

Gent, 22 February 2016

Subject: Bus and Coach Passenger Rights Regulation [Regulation (EC) No 181/2011] EPF's written contribution
Please reply to: secretariat@epf.eu

The European Passengers' federation is the independent body comprising 34 public transport users' organisations in 20 European countries. EPF and its members represent users of bus and coach as well as by train, ship and aeroplane, and so we have an interest in, and experience of, all modes.

1. The Regulation was a significant step forward from the pre-2013 situation. It should be used as a basis for further development of common passenger rights across all modes. This must take into account that many journeys are multi-modal. We welcome the review which we hope will help make passenger rights and their implementation clear and consistent in all modes.

2. In some EU Member States there has been a decline in bus usage, such as in most of Great Britain with the exception of London. Wales for example, saw a decline of 5% over the 12 months to September 2015. On the other hand, since 2005 London has seen an increase in bus usage of 28%. Some other major European cities have also seen an increase in public transport usage as a result of imaginative marketing - such as in Vienna.

On the other hand, certain countries, such as Germany, have experienced a growth in long-distance coach travel following liberalisation. Such increases have often been as a result of attractive fares, convenient services, good marketing and service by coach operators, meeting passengers' expectations and needs. Passenger rights are one of the success factors.

Passengers need good and reliable information, to plan a trip or for example in the event of disruption. The feedback we have from passengers is that this is not always happening, and so a bad experience may deter someone from using an international or long-distance coach again.

For example, a member travelled between London and Munich by long-distance coach in 2012, before the Passenger Rights Regulation came into effect. The coach was an hour late on the outward journey and experienced a two-hour delay on the return trip. The only announcements made by the driver were the name of the city where they were stopping and the duration (between 5 and 30 minutes) of the stop. A recorded message also told passengers to fasten their seatbelts. No information or apology was given for the delays.

3. One provision that is difficult to interpret is "force majeure" or "extraordinary circumstances." For example, how "extreme" does "extreme weather" have to be? Such circumstances must be clearly defined. They need to take into account a proportional solution in such situations. In most cases, operators have much better options available to take care of their passengers than passengers themselves.

In the event of a delay and possible missed connection, the carrier, or terminal managing body, is expected to make "reasonable efforts" to inform passengers of alternatives and provide "reasonable and proportionate assistance".

Consideration should also be given to what sanctions Member State governments may impose on operators who fail to observe these guidelines. Are there any instances of such sanctions during the past three years?

4. National Enforcement Bodies for bus and coach travel are not well known in most European countries other than in Germany, where our colleagues in Pro Bahn are providing a separate submission. It is however important that such bodies are independent of the operators. Circumstances can vary from country to country and so one size may not fit all - but there is a case for a single body dealing with all modes which can mediate or adjudicate if all else fails.

In Germany the "[Schlichtungsstelle Öffentlicher Personenverkehr](#)" provides mediation in the framework of Alternative Dispute Resolution - but this is a system for which operators must register - and so it does not apply to all of them. This is a system from which authorities and operators in other countries might learn and which the European Commission could certainly study.

Some NEBs do not make it easy for passengers. As an example, it took the Dutch NEB 2.5 years after the Regulation became applicable to make it clear on its website that it's the NEB for bus and coach passengers, although it has been the NEB by law since the Regulation became applicable. It still offers no specific complaint form for bus passengers like it does for rail and air passengers.

5. Information should be provided about onward journeys, or at least relevant phone numbers and/or websites. This is especially relevant if a coach drops its passengers, perhaps after dark, on the edge of a city or in a side street and they need to find their own way. Such basic information could be printed on tickets, for example

The European Commission can make it easier for customers to understand their rights and where necessary lodge a complaint. Measures could include the development of a standard complaint form and facilitating or monitoring the training of staff of enforcement and mediation bodies and of operators.

Member states should be encouraged to reduce the number of exemptions, so that they can be phased out in the foreseeable future. In the Interpretative Guidelines on Regulation (EC) No 1371/2007, the European Commission In the conclusions to its report on the application of Regulation (EC) No 1371/2007, the Commission noted that 'the extensive use of exemptions [is] a serious obstacle to the fulfilment of the Regulation's objective'. We find this is equally true for the exemptions from Regulation (EU) No 181/2011. The extensive use of exemptions hinders the creation of a level playing field for bus

and coach undertakings across the EU and deprives bus and coach passengers of legal certainty and of full enjoyment of their rights.

Application would also be improved if bus and coach passengers were more aware of their rights. The Commission is already aware of the fact that few passengers are aware of their rights and should ensure this improves considerably.

6. While disability issues are not EPF's main concern, we do take an interest in them because measures to assist such persons of reduced mobility almost invariably will benefit other passengers as well.

The increased use of low-floor bus and the trend towards flexispace in a vehicle has been an improvement in this respect. That applies especially over short distances but less so in coaches designed for longer distances.

7. We would expect all public transport operators and terminal managers to cooperate with organisations representing disabled people. We know that this happens in the rail industry and would expect it to happen in the bus and coach industry as well. .

8. Many bus and coach passengers are, as the recent Eurobarometer survey indicated, unaware of their rights. The result of a [questionnaire in Germany in 2015](#), for example, showed that only 45% knew that they had certain rights.

The fact that rules for assistance and compensation for international coach journeys of over 250 km means that this part of the Regulation only applies to a tiny proportion of customers. Most bus and many coach journeys are much shorter. In the Czech Republic, for example, the average journey by all road-based public transport is 43 km.

The 250 km rule should be regarded as the bare minimum and Member States should at least be encouraged to broaden its application. This is what Sweden has done, for example, with a new law on passenger rights in regional travel due to come into force on April 1st 2016. This was partly because bus companies were offering a "guarantee" to dissatisfied passengers but this was not a robust independent way of dealing with the problems. The new Swedish law will be valid for all public transport journeys of up to 150km. The government has then decided that the EU regulation for bus travel in Sweden will apply for all distances over 150 km.

We have also done some mystery shopping to see how well the EU regulation is promoted in the UK; and indeed what other relevant information is available to customers.

Norwich is an important regional city some 180km from London. Its [bus station](#) has a modern welcoming travel centre where it is quite easy to book an international coach journey as the staff sell Eurolines tickets to destinations in the Netherlands, Belgium and France plus a £15 National Express add-on to London. That is better than the situation at the railway station, where you cannot buy a Eurostar ticket. However, the bus station had no leaflets or posters on display about EU passenger rights. Their Eurostar leaflets, while attractive and informative, do not mention EU passenger rights either, although they do refer to the General Conditions of Carriage on their website.

Eurolines' website has detailed and comprehensible [Conditions of Carriage](#), including a long list of "circumstances beyond our control" for which they bear no liability. There does not appear to be any link to, or mention of, EU Passenger Rights.

The Megabus website does contain, in addition to Terms and Conditions, a summary of EU [passenger rights](#) in a fairly prominent position.

It is reasonable to assume that websites from companies such as these are well used by passengers in all parts of Europe.

We urge that any outlet selling tickets (whether an agency, coach terminal or website) for international coach journeys should also display information about EU passenger rights.

Finally, the European Passengers' Federation provides [links](#) to EU passenger rights in all four modes on its own website and encourages its member associations to do likewise.

Kind regards,



Josef Schneider
Chairman EPF