

# Overview of the rights of passengers travelling by bus <sup>1</sup>

Regulation (EC) No. 181/2011 (hereinafter the "Regulation") becomes effective on March 1, 2013.

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

In principle, the regulation applies to "regular services" (i.e. services provided at a specified intervals and on a specified route, and in which passenger embarkation or disembarkation takes place at predetermined stops) for undetermined categories of passengers, whose point of embarkation or disembarkation is located in the territory of a member state<sup>2</sup>.

The following basic fees shall apply to all regular services, regardless of the expected distance provided by the service:

- Non-discriminatory transportation conditions;
- Access to transportation of persons with disabilities and reduced mobility without additional fees, and financial compensation for the loss or damage of equipment facilitating mobility;
- Minimum standards for informing passengers before and during travel, including general information about their rights;
- Complaint handling systems accessible to all passengers, specially set up by carriers;
- independent national agencies in each member state responsible for ensuring enforcement and, where appropriate, imposing penalties.

Moreover, the following fees apply to regular services, where the provided distance is 250 km or more (hereinafter: regular long-distance services):

- Provision of (electronic) tickets or any other document entitling to transportation.

<sup>1</sup> Overview prepared pursuant to Article 25(2) of Regulation (EU) No. 181/2011 of the European Parliament and of the Council concerning the rights of passengers in bus and coach transport, and amending (EC) Regulation No. 2006/2004 [OJ L 55, 28,2,2011, p. 1]. This overview is not legally binding.

<sup>2</sup> In addition, certain fees also apply to so-called "occasional services", in which a group of passengers is composed at the initiative of a customer or the carrier themselves, provided that the passenger's initial point of embarkation or final point of disembarkation is located in the territory of a member state: a) Non-discriminatory transportation terms and conditions,

b) Provision of (electronic) tickets or any other document entitling to transportation,

c) Compensation and assistance in the event of death, injury, loss or damage resulting from accidents,

d) Financial compensation for the loss of or damage to mobility equipment belonging to passengers with disabilities and passengers with reduced mobility

- Compensation and assistance in the event of death, injury, loss or damage caused by accidents,
- Information in case of service cancellation or delayed departure,
- Right to reimbursement of the full cost of the ticket or re-routing to an alternative route in case of cancellation or extended delay,
- Adequate assistance in case of cancellation or extended delay (applicable only if the expected travel time is more than three hours),
- Compensation of up to 50 percent of the value of the ticket, if the carrier is unable to offer a passenger the choice between refunding the ticket price or re-routing to an alternate route in the event of cancellation or long delay,
- Specific assistance at no additional cost to persons with disabilities and persons with reduced mobility at bus stations, as well as when on board vehicles.

However, Member States may, on a transparent and non-discriminatory basis, grant a waiver of these additional rights in the course of exclusively regular national services for a period not exceeding four years, renewable once (for a maximum of eight years).

Finally, Member States may in a transparent and non-discriminatory manner grant a waiver of the application of the entire regulation for a period not to exceed four years, renewable once (for a maximum period of eight years), where regular services, involving at least one stopping point, is operated outside the territory of the European Union to a significant degree.

### **Overview of the rights of passengers travelling by bus 1) Right to non-discriminatory transportation services**

All persons purchasing tickets for bus and coach services have the right not to be discriminated directly or indirectly on the basis of their nationality or the place of establishment of the carrier or ticket vendor within the Union.

In the case of regular long-distance services, the carrier issues a ticket to passengers (including in electronic format), unless other travel documents entitle the passenger to transportation.

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

All passengers travelling by regular bus and coach services have the right to receive adequate information for the duration of their journey. This right includes the right to be informed about the rights of passengers and the necessary contact information of national regulatory agencies.

All relevant general information and conditions of transportation must be available in a format that is accessible to persons with disabilities and persons with reduced mobility (e.g. large print, plain and clear language, Braille, audio tapes).

Furthermore, in the case of regular long-distance services, the carrier or, where appropriate, the station management, shall as soon as possible keep passengers departing from the station informed of any contingencies, but no later than thirty minutes after the scheduled departure time, and communicate the estimated departure time as soon as this information is available. If passengers miss a connecting service due to a cancellation or delay, the carrier and, where appropriate, the station management shall make all reasonable efforts to inform affected passengers about alternative connections. Moreover, the carrier shall transmit such information to passengers by electronic means, where possible, if passengers have requested it and provided the carrier with the necessary contact information.

### **3) Right to compensation and assistance in case of an accident**

In connection with regular long-distance services, passengers are entitled to compensation for death, personal injury, as well as loss of or damage to luggage in case of an accident resulting from the use of buses. The conditions and amount of compensation are regulated by national law, and only certain minimum amounts are provided in the regulation. Such financial compensation is not automatic, but must be requested from the national courts.

In addition, the carrier shall provide reasonable and proportionate assistance covering the immediate practical needs of passengers travelling by regular long-distance bus service, following the incident itself. Such assistance includes, where necessary, accommodation, food, clothing, transportation, and the facilitation of first aid.

### **4) Right to continuation, re-routing and refund in case of cancellation or extended delay**

As for regular long-distance services<sup>1</sup>, if more reservations are accepted than seats are available, or if the carrier can reasonably expect that the delay will be more than 120 minutes beyond the scheduled departure time, or the service will be cancelled, passengers have the right to choose between:

- alternative transportation to the final destination under similar conditions as soon as possible and at no additional charge;
- Refund of the full ticket price and, where appropriate, free return as soon as possible to the first point of departure indicated in the transportation contract.

The same right to choose applies if the service is cancelled or delayed when departing from the stopover for more than one hundred and twenty minutes.

A passenger has the right to receive compensation equalling 50 percent of the ticket value, if, in the above situation, the carrier is unable to provide the passenger with a refund or re-route to an alternative route.

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<sup>3</sup> This provision does not apply to passengers with open tickets, before the time of departure is specified, with the exception of passengers holding a travel document or a season ticket

This right to compensation and possible ticket reimbursement shall not exclude passengers from applying to national jurisdictions for compensation under conditions laid down by national law for damage resulting from losses due to cancellation or delay of regularly scheduled services.

If the journey is interrupted due to bus failure, the carrier must send a replacement bus to the location where the original bus has ceased operation in order to continue service and transport passengers to their destination or transport them to a suitable layover location and/or station from which the journey can resume.

### **5) Right to assistance in case of cancellation or delayed departure**

In the case of regular long-distance service lasting more than three hours, in the event of cancellation or a delay of more than 90 minutes, passengers are entitled to proper care including: snacks, meals and beverages, and, if necessary, accommodation (the carrier may limit the total cost of accommodation to 80 euros per night for up to two nights and is not required to pay for accommodation expenses, if the cancellation or delay is due to adverse weather conditions or severe natural disasters).

### **6) Rights of persons with disabilities and persons with reduced mobility<sup>2</sup>**

In addition to the rights of passengers in general, persons with disabilities and persons with reduced mobility have the following rights when using transportation services in order to allow them the same travel opportunities as enjoyed by other citizens.

#### **Right of access without additional fees to transportation for persons with disabilities and persons with reduced mobility**

Carriers, travel agents, and tour operators may not require persons with disabilities or persons with reduced mobility to pay an additional fee for reservations and tickets.

They are also not allowed to refuse reservation, providing tickets, or accept passengers on board due to their disability or reduced mobility. Exceptions are allowed only when the transport of the disabled person or person with reduced mobility in question would not be possible in accordance with the applicable passenger safety legislation and health and safety provisions of the competent authorities, or when the structure of a bus, or the transport infrastructure does not permit the transport of that person in a safe and practicable manner.

In the case of regular long-distance services, if the carrier, travel agent, or tour operator refuses to accept a reservation, provide a ticket, or board a passenger for any of the above reasons, they shall immediately inform the passenger of the reason for such refusal and, if the passenger requests it, put this information in writing. Moreover, in the case of refusal to accept a reservation or provide a ticket, they must inform the person in question about any acceptable

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<sup>4</sup> Member States may exempt regular national transportation services from the provisions applying to disabled persons and persons with reduced mobility on condition that the level of protection afforded disabled persons or persons with reduced mobility in their national regulations at least matches the level provided for in this Regulation.

alternative service operated by the carrier. If the problems for which the passenger in question was denied reservation or boarding rights can be solved by the presence of a person who can provide the necessary assistance, the passenger may request to be accompanied free of charge by a person of their choice.

In the case of regular long-distance services, where a disabled person or person with reduced mobility holds a ticket or reservation and has duly notified the carrier of their special needs and is denied boarding due to their disability or reduced mobility, they have the choice of either reimbursement or re-routing (the latter being subject to the availability of adequate travel services).

Carriers and station managers shall provide non-discriminatory access conditions for the transportation of disabled persons and persons with reduced mobility. These conditions must be made public and manually distributed upon the passenger's request.

### **Right to special assistance**

As regards long-term regular services, carriers and station managers must provide, within their respective means, free assistance to disabled persons and persons with reduced mobility.

Persons with disabilities and persons with reduced mobility must notify the carrier of their specific needs no later than 36 hours before the actual need for assistance, and must report to the designated bus station location at the agreed time before the time of departure (not more than 60 minutes).

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

Where a carrier or station operator has caused the loss of or damage to mobility equipment (wheelchairs and other assistive devices), it must pay compensation corresponding to the replacement value of the equipment in question or the costs of repair (provided that repair of such equipment is possible).

If necessary, the carrier shall make every effort and to the extent possible to temporarily replace the lost or damaged mobility equipment.

### **7) Right to file complaints with carriers and national enforcement agencies**

Passengers may submit a complaint to carriers within three months from the date regular service was provided or should have been provided. Within one month of receiving the complaint, the carrier shall notify the passenger that the complaint has been accepted, rejected, or still under review. The carrier must provide a final response within three months of receiving the complaint.

The above terms do not apply to matters relating to compensation for death, personal injury, or damage and loss of luggage in case of accidents.

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

Each Member State shall designate one or more national agencies responsible for enforcing the rights stated in the regulation.

The national supervisory agency is responsible for the enforcement of this regulation as it relates to regular services departing from points within its territory and regular services from a third country to those points.

Passengers may file complaints with the relevant national agency concerning violations of the regulation. Member States may decide that a passenger should first file a complaint with the carrier, in which case the national enforcement agency or another competent agency designated by the Member State shall act as an appeal agency for unresolved complaints.