

operator's guide to passenger rights for regular services longer than 250km

New obligations resulting from the EU passenger rights regulation which enters into force on 1 March 2013.

passenger rights

Operator's guide to passenger rights for regular services longer than 250km

This document aims to inform transport managers of new obligations resulting from the EU passenger rights regulation which enters into force on 1 March 2013.

This regulation specifies what passengers might claim in situations such as accidents, cancellations/delays, defines the rights of disabled persons and persons with reduced mobility, and governs passengers' complaints.

This document focuses on regular bus/coach services longer than 250km where passengers board or disembark within the territory of a Member State.

- 01 // EU regulation 181/2011 concerning passenger rights for bus and coach transport applicable as of 1 March 2013
- 02 // general provisions
- 03 // what to do after an accident?
- 04 // how to deal with disabled passengers and passengers with reduced mobility?
- 05 // what to do in case of cancellation or delay at departure?
- 06 // how to provide information to passengers?
- 07 // how to deal with passenger complaints?

01 // EU regulation 181/2011 concerning passenger rights for bus and coach transport applicable as of 1 March 2013

	Regular services		Occasional services
	< 250km	> 250km	
No price discrimination based on the nationality of customers [Article 4(2)]	✓	✓	✓
Provision of (electronic) tickets or any other document giving entitlement to transport to passengers [Article 4(1)]		✓	✓
Compensation for death or injury and loss of or damage to luggage following an accident (Article 7)		✓	✓
Reasonable assistance to meet passengers' immediate practical needs following an accident (Article 8)		✓	✓
Compensation for mobility equipment or assistive devices lost or damaged by carriers (Article 17)	✓	✓	✓
Unconditional right to transport for disabled people, unless health and safety requirements or vehicle design/ infrastructure make it impossible (Articles 9 and 10)	✓	✓	
Disability-awareness training for drivers and all personnel who deal directly with the travelling public (Article 16)	✓	✓	
Provision of adequate information throughout the journey (article 24)	✓	✓	
Provision of information on passenger rights no later than the time of departure (Article 25)	✓	✓	
Establishment of a passenger complaints handling system (Article 26 and 27)	✓	✓	
Provision of assistance to disabled people, on 36 hours notice (Article 14)		✓	
Passenger rights and assistance in the event of cancellation or delay at departure (Articles 19 to 21)		✓	

02 // general provisions

Carriers must issue tickets or electronic tickets, unless other (individual or collective) documents give entitlement to transport.

Contract conditions and tariffs applied by carriers must be offered to passengers without any discrimination based on nationality.

In the event that a carrier, travel agent or tour operator has delegated the performance of an obligation to a third party, both parties remain liable for the acts and omissions of that third party.

03 // what to do after an accident?

Carrier obligations to passengers after an accident

Where appropriate, carriers might be expected to assist passengers with:

- Accommodation, up to a maximum 80 EUR per passenger per night for a maximum of 2 nights;
- Food;
- Clothing;
- Transport to destination or to place of accommodation;
- Facilitating first aid.

Any assistance provided to passengers does not constitute an acceptance or recognition of liability by the carrier.

Compensation in case of accident

Following an accident, passengers are entitled to financial compensation for the following:

- Death (including reasonable funeral expenses);
- Personal injury;
- Luggage that is lost or damaged;
- Damage to wheelchairs, other mobility equipment, or assistive devices.

Compensation amount: How much should be given?

This will be calculated according to the applicable national law ⁰¹.

For damage to wheelchairs, other mobility equipment, or assistive devices, compensation must cover the replacement or repair cost of the lost or damaged equipment.

Carriers may ask for compensation from any third parties depending on the applicable national laws.

04 // how to deal with disabled passengers and passengers with reduced mobility?

Reservations and tickets must be offered to disabled persons and persons with reduced mobility at no additional cost.

Principle

Carriers cannot refuse to provide a ticket, to take on board or to accept a reservation for a person, because of their disability or reduced mobility.

⁰¹ Law chosen by the parties; in the absence of choice, law of the country where the passenger has his habitual residence, provided that either the place of departure or the place of destination is situated in that country. Otherwise, law of the country where the carrier has his habitual residence.

Exceptions

- Health and safety requirements established by the law or competent authorities.
- The vehicle design and/or infrastructure (bus stops, terminals) make it physically impossible to take on board, disembark or carry the disabled person or person with reduced mobility.

The rights of passengers who are refused a booking or boarding (at time of purchase), because of their disability or reduced mobility

In this situation, carriers must inform passengers:

- Of the reasons for refusal and if requested, in writing within 5 days of the request.
- If they offer any acceptable alternative services.

If the reasons for which the passenger was refused a booking or boarding can be negated by the presence of a person who can provide the necessary assistance, then the passenger may ask to be accompanied free of charge by a person of their choice.

Passengers who have already booked and are refused boarding, because of their disability or reduced mobility

If the need for assistance was not notified in advance, the passenger and their accompanying person must be offered reimbursement with, where relevant and as soon as possible, a return service free of charge to the first point of departure as written in the transport contract.

If the need for assistance was notified in advance (36 hours) the passenger and their accompanying person must be offered reimbursement or, where feasible, continuation of the journey by reasonable alternative transport services to the place of destination as written in the transport contract.

Notification of assistance needs

The need for assistance or special seating needs must be notified to the carrier, travel agent or tour operator at least 36 hours in advance⁰².

Carriers, travel agents and tour operators must make it easy to receive any notifications at all points of sale, including by telephone and via the internet.

Absence of notification

Carriers, terminal managers, travel agents and tour operators must make every reasonable effort to ensure that passengers are able to board, transfer to the corresponding service or disembark.

Assistance on board

Disabled passengers should be provided with:

- Any essential information on the journey (in accessible format upon request).
- Assistance with boarding/alighting during breaks, if there are personnel other than the driver on board.

Assistance at terminals⁰³

(Together with terminal managers within their respective areas of competence)

Arrangements should be made where necessary to enable disabled persons to communicate their arrival at the terminal, move in the terminal, board and alight from the vehicle, load and retrieve their luggage, carry an assistance dog, and proceed to their seat.

⁰² If travel agents or tour operators receive a notification, they must transfer the information to the carrier or terminal managing body as soon as possible.

⁰³ The European Commission will make available on the Internet a list of bus and coach terminals where assistance for disabled persons and persons with reduced mobility is to be provided.

Personnel training

All personnel, including drivers, who deal directly with the travelling public, must follow a disability-awareness training programme⁰⁴.

All personnel, other than drivers, who deal directly with the travelling public, must follow a disability-assistance training programme.

Compensation for wheelchairs and mobility equipment

When carriers have either lost or damaged a wheelchair, other mobility equipment or assistive devices in any circumstances, financial compensation paid must be equal to the replacement or repair cost for the lost or damaged equipment or devices.

Where necessary, every effort must be taken to provide temporary replacement equipment.

05 // what to do in case of cancellation or delay at departure?

Cancellation or 2-hour delay from a terminal or a bus stop; overbooking

Carriers must offer passengers the choice between the following:

- Continuation to the final destination as soon as possible, under similar conditions as written in the transport contract.
- Reimbursement⁰⁵ with, where relevant and as soon as possible, a return service by bus to the first point of departure as written in the transport contract.

04 This obligation might be postponed until 1 March 2018, depending on the arrangements between the national bus/coach transport sector and their national authorities.

05 The reimbursement must be paid within 14 days after the offer has been made, or the request has been received. The payment should cover the full cost of the ticket at the original purchase price, for the part or parts of the journey not made, and for the part or parts already made if the journey no longer serves any purpose in relation to the passenger's original travel plan. In case of travel passes or season tickets, the payment should be equal to its proportional part of the full cost of the pass or ticket. The reimbursement should be paid in money, unless the passenger accepts another form of payment.

In case of cancellation or 2-hour delay from a terminal, the reimbursement amounts to 150% of the ticket price if the carrier cannot ensure the continuation of the journey.

If the vehicle breaks down during the journey

The carrier must charter another vehicle and provide either the continuation of the service or transport to a waiting point or terminal where continuation of the journey is possible⁰⁶

Information at terminals

In the event of delay, carriers and terminal managers should provide information no later than 30 minutes after the scheduled departure time and information on the estimated departure time as soon as it is available (in accessible format for disabled persons and persons with reduced mobility).

If passengers miss a connecting service, the carrier or the terminal manager must make reasonable efforts to inform passengers of alternative connections (in accessible format for disabled persons and persons with reduced mobility).

Only where feasible, the information required above must be provided by electronic means to passengers, departing from terminals and bus stops, if they have requested it and have given the necessary contact details.

Assistance⁰⁷ in case of cancellations or delays in departure from a terminal

Applicable only to delays of 90-minutes or more at departure from a terminal, to journeys with a scheduled duration of more than 3 hours.

Snacks, meals and refreshments should be provided when available or if they can be reasonably supplied, along with, where necessary, accommodation (maximum 80 EUR per passenger per night for a maximum of 2 nights)

06 The above-mentioned provisions do not apply to passengers with open tickets, as long as the departure time is not specified, except for passengers holding a travel pass or season ticket.

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and assistance to arrange transport between the terminal and the place of accommodation⁰⁸.

07 // how to deal with passenger complaints?

06 // how to provide information to passengers?

Non-discriminatory access conditions

Carriers must establish non-discriminatory access conditions for the transport of disabled persons and persons with reduced mobility, and make them available either in paper format or electronically.

These conditions should include legal texts establishing safety requirements, all relevant general information concerning the journey, conditions of carriage, and online booking facilities (upon request in accessible formats or physically distributed).

Information throughout the journey

(upon request and where feasible, in accessible formats)

Carriers must provide passengers with adequate information throughout their journey.

Information on passenger rights⁰⁹

(upon request and where feasible, in accessible formats)

Passengers must be informed of their rights no later than the time of departure.

This information must show the contact details of the national body that is responsible for enforcing the EU passenger rights regulation.

Carriers must have an established system to handle complaints.

Procedures for submitting complaints

- To be valid, a complaint must be submitted by the passenger within 3 months of the date when the regular service was performed.
- The carrier must give notice to the passenger that their complaint has been accepted, rejected or is still being considered, within 1 month of receiving the complaint.
- The final answer must be provided no later than 3 months after receiving the complaint.

⁰⁸ Carriers are not obliged to offer accommodation and related transport when the delay or cancellation is caused by weather conditions.

⁰⁹ In order to comply with this information requirement, carriers can use a summary of the relevant legislation, which will be made available to them by the European Commission.

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Principle

Carriers cannot refuse to provide a ticket, to take on board or to accept a reservation for a person, because of their disability or reduced mobility.

Exceptions:

- Health and safety requirements established by the law or competent authorities.
- The vehicle design and/or infrastructure (bus stops, terminals) make it physically impossible to take on board, disembark or carry the disabled person or person with reduced mobility.

Personnel training

All personnel, including drivers, who deal directly with the travelling public, must follow a disability-awareness training programme⁰¹.

Compensation for wheelchairs and mobility equipment

When carriers have either lost or damaged a wheelchair, other mobility equipment or assistive devices in any circumstances, financial compensation paid must be equal to the replacement or repair cost for the lost or damaged equipment or devices.

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