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COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**on the rights of passengers in bus and coach transport and amending Regulation (EC)
No 2006/2004 on cooperation between national authorities responsible for the
enforcement of consumer protection laws**

(presented by the Commission)

{SEC(2008) 2953}
{SEC(2008) 2954}

EXPLANATORY MEMORANDUM

1. BACKGROUND TO THE PROPOSAL

1.1. Grounds and objectives

The market for international carriage of passengers by bus and coach has already been liberalised. Regulation (EEC) No 684/92 as amended by Regulation (EC) No 11/98 opened up access to this market. Together with Regulation (EC) No 12/98 on access to the market for non-resident coach and bus carriers to the national transport market, this legislation forms the backbone of the internal market for international passenger transport services by road¹. The single market for transport has brought Europeans significant benefits, including a wider choice of destinations and supply of competitive travel offers. The removal of borders and the growth in travel have not always been accompanied by sufficient measures to protect passenger rights. It is vital that rights for access and rules governing performance of these services be comprehensively established, as this mode of transport is indispensable for going to work, visiting family and friends and for enjoying leisure and tourism; poor access to it can severely impede the integration of many citizens, to the detriment of society as a whole. In the White Paper "European transport policy for 2010: time to decide"², the European Commission envisaged the establishment of passengers' rights in all modes of transport, thus placing the users at the heart of transport policy. The need for action in this respect was further highlighted in the 2005 Communication on strengthening passenger rights within the European Union³, in which the Commission presented a policy approach on how to extend passenger protection measures to modes of transport other than air. The Commission identified the rights that should be strengthened by Community action regardless of the means of transport used⁴.

With regard to coach transport, the Commission identified three main areas of concern: 1) the rights of persons with reduced mobility, 2) liability issues and 3) compensation and assistance in the event of interrupted travel.

In its Communication of 22 June 2006 "Keep Europe moving - Sustainable mobility for our continent, Mid-term review of the European Commission's 2001 Transport White Paper"⁵, the Commission has committed itself to examining how to increase quality of service and assurance of passenger rights in all modes of transport.

1.2. Bus and coach transport

This mode of transport is characterised by a number of distinctive features which affect both the operators and passengers.

¹ See also: Proposal for a Regulation of the European Parliament and of the Council on common rules for the international carriage of passengers by coach and bus (recast) - COM(2007) 264.

² COM(2001) 370.

³ COM(2005) 46.

⁴ Rights of persons with reduced mobility, automatic and immediate solutions when travel is interrupted, liability in the event of death or injury of passengers, treatment of complaints and means of redress, passenger information and other initiatives.

⁵ COM(2006) 314.

In passenger-kilometre terms, bus and coach transport holds a 9.3 % share of all land transport services within the European Union and, after passenger cars (82.8%), it remains the most important means of transportation available to the public (8.3 % share in all modes of transport)⁶. The sector has seen steady growth of 5.8% from 474 million in 1995 to 502 million in 2004⁷. It is estimated that the annual volume of international bus and coach passengers amounts to 72.8 million passengers.

Passengers in other modes of transport, notably air passengers, already enjoy a set of rights established at Community level providing for adequate protection.

In contrast to other modes of transport, there are neither international agreements (with the exception of the United Nations – Economic Commission for Europe Convention on the Contract for the International Carriage of Passengers and Luggage by Road (CVR)⁸, ratified by only three Member States) nor Community legislation establishing bus and coach passenger rights.

Protection of bus and coach passengers varies from one Member State to another. Passengers have to rely on national liability schemes, fair trading legislation and voluntary customer care commitments by operators. Operators in some countries have developed extensive voluntary agreements, including appropriate complaint handling and dispute resolution mechanisms; however, this is not the case for the majority of Member States. Currently there are no common rules on how to handle complaints and settle disputes between passengers and companies. This prevents fair competition between operators from different Member States.

Rules on liability of operators tend to vary significantly, while compensation and assistance in the event of interrupted journeys are not generalised. While for other modes of transport liability rules have been established at Community⁹ or international level, this is not the case for bus and coach transport. Where international journeys are concerned, passengers have difficulty in identifying the liability schemes applicable in the event of accidents¹⁰.

With regard to the information provided to passengers, there are general obligations¹¹ requiring operators to display the route of the service, the bus stops, the timetable, the fares and the conditions of carriage. However, in critical situations where travel is interrupted, passengers may be unable to obtain sufficient information.

In general, passengers using this mode of transport tend to be "vulnerable" in terms of low income. Availability of bus and coach services for persons with disabilities and reduced mobility is limited, which may hamper their integration into society.

⁶ Source: EU Energy and Transport in Figures, Statistical Pocketbook 2006.

⁷ Source: EU Energy and Transport in Figures, Statistical Pocketbook 2006.

⁸ United Nations Economic Commission for Europe Convention on the Contract for the International Carriage of Passengers and Luggage by Road (CVR), of 1 March 1973.

⁹ Regulation(EC) No 2027/97 of 9 October 1997 on air carrier liability in the event of accidents (OJ L 285, 17.10.1997, p. 1), as amended by Regulation (EC) No 889/2002 of 13 May 2002 (OJ L 140, 30.5.2002, p. 2). Regulation (EC) No 785/2004 of 21 April 2004 on insurance requirements for air carriers and aircraft operators (OJ L 138, 30.4.2004, p. 1); Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations (OJ L 315, 3.12.2007, p. 14).

¹⁰ To illustrate the complexity of the problem the following example may be presented: a Belgian bus with a Moroccan driver having an accident in France.

¹¹ Regulation (EEC) No 684/92 of 16 March 1992 on common rules for the international carriage of passengers by coach and bus.

1.3. Issues addressed

The proposal aims at establishing rights of coach and bus passengers in order to improve the attractiveness of and confidence in coach and bus transport as well as to achieve a level playing field between carriers from different Member States and between other modes of transport.

In principle the proposal lays down provisions on:

- liability in the event of death or injury of passengers and loss of or damage to their luggage;
- non-discrimination on grounds of nationality or place of residence with regard to transport conditions offered to passengers by bus or coach undertakings,
- assistance for disabled persons and persons with reduced mobility;
- obligations of bus and coach undertakings in the event of cancellation or delay of a journey;
- information obligations;
- handling of complaints;
- general rules on enforcement.

2. SCOPE OF APPLICATION

This proposal concerns bus and coach services. The issue of market access services has already been regulated at Community level by virtue of Council Regulation (EEC) No 684/92 of 16 March 1992 on common rules for the international carriage of passengers by coach and bus, as amended by Council Regulation (EC) No 11/98.

Domestic urban, suburban and short-distance regional bus services are normally covered by public service contracts taking into account to a large extent the rights of passengers and quality of service. Thus, national legislation defines the obligations of bus operators and the corresponding rights of passengers. Member States may exclude these services from the scope of application of the Regulation provided that the level of passenger rights enshrined in such contracts is comparable to the one set by the present Regulation.

Member States offer divergent solutions for passengers and a variable level of protection in terms of liability of operators and assistance provided to disabled persons. This proposal therefore addresses situations identified as critical due to lack of appropriate assistance and care. For example, passengers on long-distance journeys outside their place of residence are in a very vulnerable position if their journey is interrupted or an accident occurs.

At this stage the Commission proposes to tackle the questions that call for a considerable amount of harmonisation among Member States because of their complexity and/or international dimension (cross-border trips, international operators). 3. Consistency with other EU policies and objectives

The proposal for a Regulation will contribute to the achievement of the objectives of the Treaty by ensuring an enhanced level of consumer protection, combating discrimination and social exclusion of persons with disabilities and allowing European citizens to take full advantage of the opportunities created by the internal market.

3.1. Consumer protection

Establishing and further strengthening the rights of passengers reflects the high priority given by the Amsterdam Treaty to the protection of consumers. In its Communication "EU Consumer Policy strategy 2007-2013 empowering consumers, enhancing their welfare, effectively protecting them"¹², the Commission states that one of the priorities is to put consumers at the heart of other EU policies. The Communication notes that progress has been made in the integration of consumer interests, inter alia in air transport. The aim for the future is to build on these achievements in order to make integration of consumer interests more systematic. Therefore the Commission is extending passenger rights developed in the aviation sector to other transport modes, in particular as regards passengers with reduced mobility.

3.2. Social inclusion and fundamental rights

The present proposal regarding the rights of passengers in bus and coach services is consistent with the objectives of combating social exclusion, as it establishes the principle of non-discrimination and assistance for disabled people. Article 12 of the EC Treaty provides that any discrimination on the grounds of nationality is prohibited. Therefore, in the bus and coach sector also, and without prejudice to public service obligations requiring social tariffs, contract conditions and tariffs applied by bus and/or coach undertakings or ticket vendors shall be offered to the general public without any discrimination based on grounds of the nationality or the place of residence of the final customer or on the place of establishment of the ticket vendors within the Community. The proposal is also in line with Article 21 of the Charter of Fundamental Rights, which lays down a general principle of prohibition of any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic feature, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation. It also ties in with Article 13 of the EC Treaty, which enables the Community to combat discrimination in the areas of Community competence. The proposal is also in line with the United Nations Convention on Rights of Persons with Disabilities, signed by all the Member States and the European Community.

3.3. Single market

Lastly, the proposal would allow passengers enjoying improved protection to benefit fully from the Single Market. This proposal ensures that citizens, including those with reduced mobility, can make full use of the Single Market's benefits and have the confidence to use them. The EU consumer policy dimension is at the heart of the next phase of the single market, as set out in the Commission's communication to the Spring European Council on the Single Market Review¹³. The Single Market generates benefits for consumers by widening choice and lowering prices and providing adequate protection. In this respect, the

¹² COM(2007) 99.

¹³ A Single Market for Citizens interim report to the 2007 Spring European Council Brussels - COM(2007) 60, 21.2.2007.

establishment of bus and coach passengers' rights will complement the progress achieved in the transport sector within the framework of the European Single Market.

4. CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT

4.1. Consultation of interested parties

In July 2005 the Commission's services launched a public consultation on the basis of a Commission Staff Working Paper "Rights of Passengers in International Bus and Coach Transport", which contained an overview of issues and challenges related to the establishment of rights of passengers in this mode of transport and invited interested parties to comment on a number of questions. The consultation was concluded by publication of the Reports on results of the public consultation¹⁴ and on the stakeholders' meeting held in Brussels on 29 March 2006¹⁵.

The contributions received revealed a clear split between bus and/or coach undertakings and their associations and federations on the one hand and consumer associations on the other. As a general rule, the former see no or only very limited need for regulation at EU level, whereas the latter are calling for extensive rights for passengers. Very clear concerns were also expressed regarding the economic and organisational pattern of this industry and there was no unanimity about the scope of regulation and the inclusion or exclusion of particular types of service, in particular local and regional services. Operators mostly argue that the current economic situation does not allow any additional burden to be imposed, that there is no real need for regulation and that a large number of issues have been addressed in any case, either by national legislation or by voluntary commitments they have entered into. Consumer associations meanwhile have called for extensive Community action, as protection of passengers' rights varies significantly from country to country.

There was no unanimous agreement between respondents on how to address the issue of accessibility of services and assistance to persons with reduced mobility using this mode of transport. Some operators pointed to the increased cost and limited feasibility for a whole fleet and indicated that there are viable alternatives for PRM (specialised bus and/or coach companies), while others pointed to possible social exclusion of these persons.

Concerns were also voiced that provisions on compensation in the event of delay could undermine road safety.

A summary of the contributions received during the public consultation, the text of individual replies and the minutes of the stakeholders' meeting on 29 March 2006 are available at: http://ec.europa.eu/transport/road/consultations/passengers_rights_en.htm

4.2. Collection and use of expertise

In June 2006 the Commission received an opinion of the European Energy and Transport Forum encouraging Community action in the field of rights of bus and coach passengers. The Commission took into consideration the following studies: "COST Action 349 - Accessibility

¹⁴ Report on the results of the public consultation is available in English, French and German on the following webpage: http://ec.europa.eu/transport/road/consultations/passengers_rights_en.htm

¹⁵ Minutes of the meeting can be found on the website: http://ec.europa.eu/transport/road/consultations/passengers_rights_en.htm

of coaches and long-distance buses for people with reduced mobility", October 2005 and "Evaluation and monitoring of trends with regard to passenger needs on the level of service and treatment of passengers" (SHORT "EU SERVICE GUARANTEES - EUSG")¹⁶.

4.3. Impact assessment

The impact assessment carried out in conformity with the Guidelines essentially covered: principles of liability of operators in the event of death or injury of passengers comparable to other modes of transport; principles of compensation and assistance in the event of cancellations and delays; rules on accessibility, non-discrimination and assistance for disabled persons and persons with reduced mobility; quality standards and information obligations; rules on complaint handling and monitoring of compliance.

Four policy options were assessed:

The "maintaining status quo" option assumes that no EU action is undertaken.

The "minimum protection" option would entail the establishment of a general framework laying down only minimum rules for protection and, where appropriate, consolidating/amending and/or simplifying existing Community or national legislation (motor vehicle insurance, package tours directive, customer legislation).

The "maximum protection" option provides for Community legal action establishing rights of bus and coach passengers in international transport (option I) and both domestic (long-distance, regional) and international transport (option II) with respect to regular/occasional services. This option would ensure a uniform level of adequate protection of passengers in all Member States.

The "voluntary commitments and self-regulation" option: this option assumes that the bus and/or coach undertakings would develop and adopt voluntary EU-wide/domestic self-regulatory measures with regard to rights of bus and coach passengers.

Summary of results of the impact assessment: "Commission Staff Working Document, Impact Assessment accompanying the proposal for a Regulation of the European Parliament and of the Council on the rights of passengers in international bus and coach transport":

Given the broad scope of the issues examined under the impact assessment exercise, different options were indicated as most effective with a view to striking the right balance between costs and benefits.

As regards the principle of non-discrimination and assistance to disabled persons and persons with reduced mobility a combination of option 2: Minimum protection scenario (for occasional services only) and option 3.I: Maximum protection scenario (scheduled international services only) was indicated as the best one. In order to assert the principle of non-discrimination and assistance to disabled persons and persons with reduced mobility, the proposed policy should guarantee an optimum level of accessibility compelling the operators and terminal managers to install adequate access means and, at the same time, to avoid a related increase in ticket prices.

¹⁶ Available at http://ec.europa.eu/consumers/topics/facts_en.htm

With regard to liability schemes, the impact assessment indicated that the most substantial benefits for passengers without significantly adding costs would be achieved if the "establishment of a fully fledged system" option is chosen. Passengers will benefit from better legal and economic protection while differences resulting from national legislation will be eliminated.

The "establishment of a fully fledged system" option appears to be the most effective one with regard to assistance and information obligations in the event of interrupted journey. Stronger protection of passengers will result in better services being offered. In turn, an increased level of passenger care is likely to improve the position of bus and/or coach undertakings on the market in which they compete on both price and quality of service. Therefore the Commission favours the "maximum protection" option for assistance and information obligations.

The impact assessment report together with the annexes accompanies this proposal.

5. LEGAL ASPECTS

5.1. Legal base

The legal base for the proposal is set out in Article 71 of the Treaty establishing the European Community, to which the co-decision procedure applies.

5.2. Choice of instrument

The main objective of the proposal is to ensure an adequate level of protection of bus and coach passengers, including persons with disabilities and reduced mobility. The rules established by the present proposal should be applied in a uniform and effective way across the European Union. A regulation that is directly applicable appears to be the most appropriate instrument to ensure the most coherent application of the rules in all Member States. A regulation as a legal instrument has already been chosen by the Community in order to protect the rights of air and rail passengers. In order to achieve enforceable and equivalent passenger rights for bus and coach transport, a regulation has been deemed the most appropriate instrument.

5.3. Subsidiarity principle

Passenger protection, as part of the internal market and common transport policies, is a issue of European scale which requires a solution at Community level. The liberalisation of a market and taking into account consumer interests especially disabled persons and persons with reduced mobility, are two complementary aspects of the internal market. Given the increasing number of consumers travelling for leisure or work within the European Union, it becomes more and more important to ensure that they can count on a similar set of rights wherever they are. The aim of the proposal is therefore to ensure that bus and coach passengers enjoy the same level of rights and protection throughout the European Union.

Given the international dimension of this mode of transport (trips and/or coach and bus operators), this objective cannot be sufficiently achieved by a Member State acting alone. The existing international agreement (UN ECE Convention CVR) cannot be regarded as an effective tool, as it has been ratified only by a very limited number of Member States. In this context Community action is therefore called for.

5.4. Proportionality principle

The proposal complies with the proportionality principle. The Commission has limited its proposal to areas where precise Community rules are necessary and avoids subjects which are better left to self-regulatory measures. It is limited to areas where the need for Community action is clear and widely accepted. It is therefore proportional to the objective sought and appropriate to the circumstances in which it is pursued. Without harmonisation, passengers would at best enjoy different rights and at worst have no legal protection at all. Moreover, they would find it difficult to know their rights wherever they travelled in Europe and so to insist on having them respected.

5.5. Enforcement

Passengers and especially persons with disabilities and with reduced mobility are in a weak position if bus and/or coach undertakings fail to meet their obligations. The United Nations Convention of Rights of Persons with Disabilities provides for those who claim to be victims of violation by a state party of the provisions of the UN Convention, the possibility to submit a Communication. Therefore the development of further EC regulation will provide more effective uniform legal protection across the EU. Strict enforcement of the proposed regulation will be necessary. The Commission's proposal therefore includes an article requiring Member States to lay down sanctions for non-compliance and to designate bodies responsible for enforcing the regulation and for handling complaints from passengers. These provisions follow the same approach as taken in the Regulation of the European Parliament and the Council on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights and the Regulation concerning the rights of disabled persons and persons with reduced mobility when travelling by air.

5.6. European Economic Area and Switzerland

The proposal for a Regulation is of relevance to the European Economic Area and should therefore be extended to it. The proposal is also of relevance for Switzerland.

5.7. Self-regulation

The Commission is aware that bus and/or coach undertakings have developed a number of voluntary agreements and other self-regulatory measures guaranteeing adequate levels of service quality. The Commission continues to welcome such arrangements as a complement to the Community action proposed.

6. PROVISIONS OF THE PROPOSAL

Chapter I

This chapter contains general provisions concerning the subject matter, definitions and scope of the Regulation. The proposal covers the liability of bus and/or coach undertakings, rules on non-discrimination and mandatory assistance for disabled persons and persons with reduced mobility. The proposal also sets out obligations of bus and/or coach undertakings in the event of interrupted travel, as well as appropriate rules governing complaint handling and enforcement.

Article 1

This Article sets out the subject matter of the Regulation.

Article 2

This Article sets out the scope of the Regulation.

Article 3

This Article gives the definitions.

Article 4

This Article concerns a proof of the conclusion of a transport contract and prohibits offering discriminatory contract conditions on the basis of nationality or place of residence of passengers.

Article 5

This Article concerns exclusion of waiver with regard to rights established by this proposal.

Chapter II

This chapter sets out the rules on liability of bus and/or coach undertakings for passengers and their luggage. Passengers will be entitled to uniform compensation levels and will benefit from harmonised rules on liability of bus and/or coach undertakings. The liability of undertakings is unlimited. Moreover, under certain conditions undertakings may not contest damages up to certain amount in the event of an accident. Passengers suffering an accident are entitled to advance payments in order to address economic difficulties that they or their families may face as a consequence of death or injury. This chapter also establishes rules for compensation for loss of or damage to luggage.

Article 6

This Article concerns liability for death or injury of passengers.

Article 7

This Article establishes general rules concerning damages.

Article 8

This Article obliges bus and/or coach undertakings to make advance payments in the event of an accident.

Article 9

This Article establishes rules for compensation for lost or damaged luggage.

Chapter III

This chapter essentially concerns disabled persons and persons with reduced mobility using this mode of transport. This category of passengers is often prevented from travelling by bus and coach due to a lack of accessibility of these services and necessary assistance offered by bus and/or coach undertakings. This chapter addresses these problems by forbidding any discrimination on grounds of disability or reduced mobility with regard to booking a journey or boarding a vehicle. This is without prejudice to certain exceptions and derogations, particularly for justified safety reasons, established by law.

The scope of mandatory assistance at terminals and on board vehicles is specified in Annex I. Such assistance is provided free of charge on condition that the passenger has notified a need for it in advance and arrives at the terminal at a stipulated time prior to the scheduled departure. Personnel of the bus and/or coach undertakings and terminal staff should have appropriate knowledge with regard to provision of assistance to disabled persons.

Article 10

This Article establishes rules for prevention of refusal of carriage on the grounds of disability or reduced mobility.

Article 11

.This Article concerns derogations, special conditions and information with regard to rules set out in the present Chapter.

Article 12

This Article establishes general accessibility rules for disabled persons and persons with reduced mobility.

Article 13

This Article establishes the right to assistance for disabled persons and persons with reduced mobility.

Article 14

This Article sets out rules on assistance at terminals.

Article 15

This Article deals with assistance on board.

Article 16

This Article sets out the conditions under which assistance is provided.

Article 17

This concerns the transmission of notifications of the need for assistance for disabled persons and persons with reduced mobility to third parties by bus and/or coach undertakings or ticket vendors.

Article 18

This Article provides for the obligation to ensure appropriate training for personnel with regard to disability issues.

Article 19

This Article establishes general rules for compensation for lost or damaged mobility equipment.

Chapter IV

This chapter concerns obligations of bus and/or coach undertakings in the event of interrupted journeys, due to cancellation of a service or delays. In particular in case of cancellations and, for scheduled journeys of at least 3 hours, delays at departure of more than 2 hours, the undertakings are obliged to provide reasonable alternative services in comparable time frames or, where that is not possible, provide passengers with information on other available services. If they fail to meet this requirement, the undertakings should pay compensation amounting to 50% of the ticket price. In all cases, passengers have a right to travel information.

Article 20

This Article establishes general rules on liability for cancellations and long delays. It defines the scope of the right to information, rerouting and/or reimbursement and compensation in the event of cancellations and long delays.

Article 21

This Article establishes the right to travel information.

Article 22

This Article paves the way for seeking further compensation.

Article 23

This Article obliges bus and/or coach undertaking to cooperate in order to adopt arrangements with a view to enhancing passenger rights and quality of service.

Chapter V

This chapter obliges bus and/or coach undertakings to set up internal complaint handling procedures. The examination of passenger complaints is subject to strict deadlines. The obligation to inform passengers of their rights rests with undertakings and terminal managing bodies.

Article 24

This Article concerns travel information to be provided by bus and/or coach undertakings and terminal managing bodies.

Article 25

This Article requires bus and/or coach undertakings and terminal managing bodies to provide passengers with information on their rights under this Regulation.

Article 26

This Article establishes rules for a complaint handling procedure.

Chapter VI

This chapter provides for enforcement rules and the appropriate institutional framework. Member States must designate national enforcement bodies to which passengers may complain about alleged violation of their rights under this Regulation. These national bodies are required to cooperate with each other. Moreover, Member States should make provision for dissuasive penalties in connection with failure to respect passenger rights.

Article 27

This Article covers the enforcement of the present Regulation, including the establishment of national enforcement bodies.

Article 28

This Article requires enforcement bodies to publish an annual report on their activities.

Article 29

This Article establishes the principle of cooperation between national enforcement bodies

Article 30

This Article deals with the penalties to be imposed by Member States.

Chapter VII

This chapter provides that the Commission should report to the Council and Parliament on the functioning of the Regulation three years after its entry into force. The Regulation will enter into force 20 days after publication in the Official Journal of the EU and will apply with effect a year after that date.

Article 31

This Article sets out the reporting obligations of the Commission.

Article 32

This Article concerns the amendment to Regulation (EC) No 2006/2004 of the European Parliament and of the Council on cooperation between national authorities responsible for the enforcement of consumer protection laws.

Article 33

This Article sets the date when the Regulation will enter into force.

Annex I

This Annex defines the scope of assistance to be offered to disabled persons and persons with reduced mobility at terminals (a) and on board a bus or coach (b).

Annex II

This Annex relates to the content of disability-related training.

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**on the rights of passengers in bus and coach transport and amending Regulation (EC)
No 2006/2004 on cooperation between national authorities responsible for the
enforcement of consumer protection laws**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 71(1) thereof,

Having regard to the proposal from the Commission¹⁷,

Having regard to the opinion of the European Economic and Social Committee¹⁸,

Having regard to the opinion of the Committee of the Regions¹⁹,

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

Whereas:

- (1) Action by the Community in the field of bus and coach transport should aim, among other things, at ensuring a high level of protection for passengers that is comparable with other modes of transport and wherever they travel. Moreover, full account should be taken of the requirements of consumer protection in general.
- (2) Since the bus or coach passenger is the weaker party to the transport contract, passengers' rights in this respect should be safeguarded irrespective of their nationality or place of residence within the Community.
- (3) Passengers should enjoy liability rules comparable to other modes of transport in the event of accidents resulting in death or injury.
- (4) Passengers should be entitled to advance payments to cover their immediate economic needs following an accident.
- (5) Bus and/or coach undertakings should be liable for loss or damage of passengers' luggage on terms comparable with other modes of transport.

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¹⁹ OJ C [...], [...], p. [...]

- (6) Bus and coach passenger services should benefit citizens in general. Consequently, disabled persons and persons with reduced mobility, whether caused by disability, age or any other factor, should have opportunities for using bus and coach services that are comparable to those of other citizens. Disabled persons and persons with reduced mobility have the same right as all other citizens to free movement, freedom of choice and non-discrimination.
- (7) In the light of Article 9 of the United Nations Convention on the Rights of Persons with Disabilities and in order to give disabled persons and persons with reduced mobility opportunities for bus and coach travel comparable to those of other citizens, rules for non-discrimination and assistance during their journey should be established. Those persons should therefore be accepted for carriage and not refused transport on the grounds of their disability or lack of mobility, except for reasons which are justified on grounds of safety and prescribed by law. They should enjoy the right to assistance at bus and coach terminals and on board the vehicles, including embarking and disembarking. In the interest of social inclusion, the persons concerned should receive the assistance without additional charge. Bus and/or coach undertakings should establish accessibility rules, using preferably the European Standardisation system.
- (8) In deciding on the design of new terminals, and as part of major refurbishments, managing bodies should, where possible, take into account the needs of disabled persons and persons with reduced mobility. In any case, managing bodies of bus and coach terminals should designate points where such persons can notify their arrival and need for assistance.
- (9) Rights of bus and coach passengers should include the receipt of information regarding the service before and during the journey. All essential information provided to bus and coach passengers should also be provided in alternative formats accessible to disabled persons and persons with reduced mobility.
- (10) This Regulation should not restrict the rights of bus and coach undertakings to seek compensation from any person, including third parties, in accordance with the applicable law.
- (11) Inconveniences experienced by passengers due to cancellation or long delay of their journey should be reduced. To this end, passengers should be adequately looked after and informed. Passengers should be able to cancel and have their tickets reimbursed or to obtain rerouting under satisfactory conditions or information on alternative transport services. If bus and/or coach undertakings fail to provide passengers with the necessary assistance, passengers should have a right to obtain financial compensation.
- (12) Bus and/or coach undertakings should cooperate in order to adopt arrangements at national or European level for improving care and assistance offered to passengers whenever their travel is interrupted, notably in the event of long delays.
- (13) This Regulation shall not affect the rights of passengers established by Directive 90/314/EEC on package travel, package holidays and package tours²⁰. In cases where

²⁰ OJ L 158, 23.6.1990, p. 59.

a package tour is cancelled for reasons other than the bus and coach transport service being cancelled, this Regulation should not apply.

- (14) Passengers should be fully informed of their rights provided for in this Regulation, so that they can effectively exercise those rights.
- (15) Passengers should be able to exercise their rights by means of appropriate complaint procedures implemented by bus and/or coach undertakings or, as the case may be, by submission of complaints to the body or bodies designated to that end by the relevant Member State.
- (16) Member States should ensure and supervise general compliance by bus and/or coach undertakings with this Regulation and designate an appropriate body to carry out such enforcement tasks. The supervision should not affect the rights of passengers to seek legal redress from courts under procedures of national law.
- (17) Member States should lay down penalties applicable to infringements of this Regulation and ensure that these penalties are applied. The penalties should be effective, proportionate and dissuasive.
- (18) Since the objectives of this Regulation, namely to ensure high and equivalent levels of protection of and assistance to passengers in bus and coach transport across all Member States, cannot sufficiently be achieved by the Member States alone and can therefore by reason of the significant international dimension be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.
- (19) This Regulation should be without prejudice to Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data²¹.
- (20) The enforcement of this Regulation should be based on Regulation (EC) No 2006/2004 of the European Parliament and of the Council of 27 October 2004 on cooperation between national authorities responsible for the enforcement of consumer protection law (the Regulation on consumer protection cooperation)²². That Regulation should therefore be amended accordingly.
- (21) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union,

²¹ OJ L 281, 23.11.1995, p. 31.

²² OJ L 364, 9.12.2004, p.1

HAVE ADOPTED THIS REGULATION:

Chapter I

General provisions

Article 1 *Subject matter*

This Regulation establishes rules as regards the following:

- (1) non-discrimination between passengers with regard to transport conditions offered by bus and/or coach undertakings;
- (2) the liability of bus and/or coach undertakings in the event of accidents resulting in death or injury of passengers or loss of or damage to their luggage;
- (3) non-discrimination and mandatory assistance for disabled persons and persons with reduced mobility travelling by bus or coach;
- (4) obligations of bus and/or coach undertakings towards passengers in cases of cancellation or delay;
- (5) the minimum information to be provided to passengers;
- (6) the handling of complaints;
- (7) the enforcement of passenger rights.

Article 2 *Scope*

1. This Regulation shall apply to the carriage of passengers by bus and/or coach undertakings by means of regular services.
2. Member States may exempt urban, suburban and regional transport covered by public service contracts, if such contracts ensure a comparable level of passenger rights to that required in this Regulation.
3. With respect to occasional services, only Chapter II shall be applicable.

Article 3 *Definitions*

For the purposes of this Regulation the following definitions shall apply:

- (1) 'bus and/or coach undertaking' means a transport undertaking that is authorised in the State of establishment to undertake carriage by coach and bus in accordance with the market-access conditions laid down by national legislation and a transport undertaking holding a valid Community licence issued in conformity with Council Regulation

(EEC) No 684/92 for the purpose of carrying out international services of carriage of passengers.

- (2) 'occasional services' means services within the meaning of Article 2 (3) of Regulation (EEC) No 684/92;
- (3) 'regular services' means services within the meaning of Article 2 (1) of Regulation (EEC) No 684/92;
- (4) 'transport contract' means a contract of carriage between a bus and/or coach undertaking or its authorised ticket vendor and a passenger for the provision of one or more transport services;
- (5) 'ticket' means a valid document giving entitlement to transport, or something equivalent in paperless form, including electronic form, issued or authorised by a bus and/or coach undertaking or its authorised ticket vendors;
- (6) 'ticket vendor' means any retailer of bus and coach transport services concluding transport contracts and selling tickets on behalf of a bus and/or coach undertaking or for its own account;
- (7) 'tour operator' means an organiser or retailer within the meaning of Article 2(2) and (3) of Directive 90/314/EEC;
- (8) 'disabled person' or 'person with reduced mobility' means any person whose mobility when using transport is reduced as a result of any physical disability (sensory or locomotory, permanent or temporary), intellectual disability or impairment, or any other cause of disability, or as a result of age, and whose situation needs appropriate attention and adaptation to his particular needs of the services made available to all passengers;
- (9) 'reservation' means an authorisation, on paper or in electronic form, giving entitlement to transportation subject to previously confirmed personalised transport arrangements;
- (10) 'terminal managing body' means an organisational entity in a Member State which has been made responsible for the management of a bus and/or coach terminal;
- (11) 'cancellation' means the non-operation of a service which was previously scheduled and for which at least one reservation was made;
- (12) 'delay' means a difference between the time the passenger was scheduled to depart or to arrive in accordance with the published timetable and the time of his actual or expected departure or arrival.

Article 4

Transport contract and non-discriminatory contract conditions

1. Bus and coach undertakings shall provide passengers with a proof of the conclusion of the transport contract by issuing one or more tickets. The tickets shall be considered prima facie evidence of the conclusion of the contract and thus give rights as provided for in this Regulation.

2. Without prejudice to public service obligations requiring social tariffs, contract conditions and tariffs applied by bus and/or coach undertakings or ticket vendors shall be offered to the general public without any discrimination based on the nationality or the place of residence of the final customer or on the place of establishment of the bus and/or coach undertakings, or ticket vendors within the Community.

Article 5
Exclusion of waiver

1. Obligations pursuant to this Regulation shall not be limited or waived, inter alia by a derogation or restrictive clause in the transport contract.
2. Bus and/or coach undertakings may offer contract conditions that are more favourable for the passenger than the conditions laid down in this Regulation.

Chapter II
**Liability of bus and/or coach undertakings with regard to
passengers and their luggage**

Article 6
Liability for death and injury of passengers

1. In accordance with this Chapter, bus and/or coach undertakings shall be liable for the loss or damage resulting from the death of, personal injury or mental harm to, passengers, caused by accidents arising out of the operation of bus and coach transport services and occurring while the passenger is in, entering or leaving the vehicle.
2. The liability of bus and/or coach undertakings for damages shall not be subject to any financial limit, be it defined by law, convention or contract
3. For any damage up to the amount of EUR 220 000, a bus and/or coach undertaking shall not exclude or limit its liability by proving that it has taken the care required pursuant to paragraph 4a
4. A bus and/or coach undertaking shall not be liable pursuant to paragraph 1:
 - (a) if the accident has been caused by circumstances not connected with the operation of bus and coach transport services and which the bus and/or coach undertaking could not have avoided, in spite of having taken the care required in the particular circumstances of the case, and the consequences of which it was unable to prevent;
 - (b) to the extent that the accident is the fault of the passenger or caused by his negligence;
5. Nothing in this Regulation shall:

- (a) imply that a bus and/or coach undertaking is the sole party liable to pay damages; or
- (b) restrict any rights of a bus and/or coach undertaking to seek redress from any other party in accordance with applicable law of a Member State.

Article 7 *Damages*

1. In the event of the death of a passenger, the damages in respect of the liability provided for in Article 6 shall comprise:
 - (a) any necessary costs following the death, in particular the cost of transporting the body and the funeral expenses;
 - (b) if the death does not occur at once, the damages provided for in paragraph 2 of this Article.
2. In the event of personal injury or any other physical or mental harm to a passenger, the damages shall comprise:
 - (a) any necessary costs, in particular those of treatment and of transport;
 - (b) compensation for financial loss, due to total or partial incapacity to work, or to increased needs.
3. If, through the death of the passenger, a person whom the passenger had, or would have had, a legal duty to maintain is deprived of support, such persons shall also be compensated for that loss.

Article 8 *Advance payments*

1. In the event of the death of, personal injury to, or any other physical or mental harm to, passengers, caused by an accident arising out of the operation of bus and coach transport services, the bus and/or coach undertaking shall without delay, and in any event not later than fifteen days after establishment of the identity of the natural person entitled to compensation, make such advance payments as may be required to meet immediate economic needs on a basis proportional to the damage suffered.
2. Without prejudice to paragraph 1, the advance payment shall not be less than EUR 21 000 per passenger in the event of death.
3. An advance payment shall not constitute recognition of liability and may be offset against any subsequent sums paid on the basis of this Regulation but it shall not be returnable, except in cases where the damage was caused by the negligence or fault of the passenger or where the person who received the advance payment was not the person entitled to compensation.

Article 9
Liability for lost and damaged luggage

1. Bus and/or coach undertakings shall be liable for the loss of or damage to luggage placed under their responsibility. The maximum compensation shall amount to EUR 1800 per passenger.
2. In the event of accidents arising out of the operation of bus and coach transport services, bus and/or coach undertakings shall be liable for loss of or damage to the personal effects which passengers had on them or with them as hand luggage. The maximum compensation shall amount to EUR 1300.
3. If a bus and/or coach undertaking proves that the damage was caused or contributed to by fault or negligence of the passenger, the bus and/or coach undertaking shall be wholly or partly exonerated from its liability towards the claimant to the extent that such fault or negligence caused or contributed to the damage.

Chapter III
Rights of disabled persons and persons with reduced mobility

Article 10
Prevention of refusal of carriage

1. Bus and/or coach undertakings, their ticket vendors and tour operators shall not refuse, on the grounds of disability or of reduced mobility:
 - (a) to accept a reservation for a transport service or to issue a ticket for a journey to which this Regulation applies;
 - (b) to embark a disabled person or a person with reduced mobility, provided that the person concerned has a valid ticket or reservation.
2. Reservations and tickets shall be offered to disabled persons and persons with reduced mobility at no additional cost.

Article 11
Derogations and special conditions

1. Notwithstanding the provisions of Article 10, bus and/or coach undertakings or their ticket vendors or tour operators may refuse, on the grounds of disability or reduced mobility, to accept a reservation from, to issue a ticket to or embark a disabled person or a person with reduced mobility:
 - (a) in order to meet applicable safety requirements established by international, Community or national law, or in order to meet safety requirements established by the authority that issued the authorisation to the bus and/or coach undertaking concerned,

- (b) where the size of vehicle makes the embarkation or carriage of the disabled person or person with reduced mobility physically impossible.

In the event of refusal to accept a reservation on the grounds referred to under points (a) or (b) of the first subparagraph, carriers, ticket vendors or tour operators shall make reasonable efforts to propose an acceptable alternative to the person in question.

2. A disabled person or a person with reduced mobility who has been denied embarkation on the grounds of his disability or reduced mobility shall be offered the right to reimbursement and reasonable alternative transport services to the place of destination in a comparable time frame.
3. Under the same conditions as referred to in paragraph 1(a), a bus and/or coach undertaking, a ticket vendor or a tour operator may require that disabled persons or persons with reduced mobility be accompanied by another person who is capable of providing the assistance required by that person, if this is strictly necessary.
4. When a bus and/or coach undertaking or a ticket vendor or a tour operator exercise the derogation provided for in paragraph 1, it shall immediately inform the disabled person or person with reduced mobility of the reasons, or upon request inform them in writing within five working days of the refusal to make a reservation.

Article 12

Accessibility and information

1. Bus and/or coach undertakings shall establish, with the active involvement of representatives of organisations of disabled persons and persons with reduced mobility and enforcement bodies referred to in Article 27, non-discriminatory access rules that apply to the transport of disabled persons and persons with reduced mobility, in order to meet applicable safety requirements. These rules shall contain all access conditions of the bus and coach service in question, including accessibility of the vehicles operated and their facilities on board.
2. The rules provided for in paragraph 1 shall be made publicly available by bus and/or coach undertakings or ticket vendors at least at the time a reservation is made, in appropriate ways, and in the same languages as those in which information is generally made available to all passengers. When providing this information particular attention shall be paid to the needs of people with disabilities and persons with reduced mobility.
3. Upon request bus and coach undertakings shall make available the international, Community or national law establishing the safety requirements, on which non-discriminatory access rules are based.
4. Tour operators shall make available the rules provided for in paragraph 1 which apply to journeys included in package travel, package holidays and package tours which they organise, sell or offer for sale.
5. Bus and/or coach undertakings, their ticket vendors or tour operators shall ensure that all relevant information concerning the conditions of carriage, journey information

and information on accessibility of services is available in appropriate and accessible formats for disabled persons and persons with reduced mobility including online booking and information.

Article 13
Right to assistance

1. Terminal managing bodies and bus and/or coach undertakings shall ensure appropriate assistance to a disabled person or a person with reduced mobility as specified in Annex I free of charge before, during and after the journey.
2. Terminal managing bodies and bus and/or coach undertakings may provide assistance themselves or may contract with one or more other parties for the supply of the assistance. They may enter into such a contract or contracts on their own initiative or on request.

Where terminal managing bodies and bus and/or coach undertakings contract with one or more other parties for the supply of the assistances, they shall remain responsible for provision of assistance.

3. The provisions of this Chapter do not prevent terminal managing bodies or bus and/or coach undertakings from providing assistance of a higher standard than the standards referred to in Annex I or providing services additional to those specified therein.

Article 14
Right to assistance at terminals

1. Not later than six months after the entry into force of this Regulation, Member States shall designate bus and coach terminals where assistance for disabled persons and persons with reduced mobility should be provided, taking into consideration a need to ensure the accessibility of services in most geographical locations. Member States shall inform the Commission thereof.
2. The terminal managing body of a terminal designated by a Member State in accordance with paragraph 1 shall be responsible for ensuring the provision of the assistance specified in part (a) of Annex I without additional charge to disabled persons and persons with reduced mobility, provided that the person concerned fulfils the conditions set out in Article 16.

Article 15
Right to assistance on board

Bus and/or coach undertakings shall provide at least the assistance specified in part (b) of Annex I free of charge to disabled persons and persons with reduced mobility on board the coach or bus and during boarding and disembarking from the coach or bus, provided that the person concerned fulfils the conditions set out in Article 16.

Article 16
Conditions under which assistance is provided

1. Bus and/or coach undertakings, terminal managing bodies, ticket vendors and tour operators shall cooperate in order to provide assistance to disabled persons and persons with reduced mobility on condition that the person's need for such assistance is notified to the bus and/or coach undertaking, terminal managing body, ticket vendor or tour operator at least 48 hours before the assistance is needed.
2. Bus and/or coach undertakings, ticket vendors and tour operators shall take all measures necessary to facilitate the receipt of notifications of the need for assistance made by disabled persons or persons with reduced mobility. This obligation shall apply at all their points of sale including sale by telephone and via the Internet.
3. If no notification is made in accordance with paragraph 1, bus and/or coach undertakings, terminal managing bodies, ticket vendors and tour operators shall make every reasonable effort to ensure that the assistance is provided in such a way that the disabled person or person with reduced mobility is able to board the departing service, to change to the corresponding service or to disembark from the arriving service for which he has purchased a ticket.
4. Assistance shall be provided on condition that the person concerned presents himself at the designated point:
 - at a time stipulated in advance by the bus and/or coach undertaking, which shall be no more than 60 minutes before the published departure time, or
 - if no time is stipulated, not later than 30 minutes before the published departure time.
5. The terminal managing body of a terminal designated by a Member State in accordance with Article 14(1) shall, taking account of local conditions and without prejudice to the powers of other entities regarding areas located outside the terminal premises, designate points of arrival and departure within the terminal or at points under the direct control of the terminal managing body, both inside and outside the terminal building, at which disabled persons or persons with reduced mobility can announce their arrival and request assistance.
6. The points referred to in paragraph 5 shall be clearly signed and shall offer basic information about the terminal and assistance provided, in accessible formats.

Article 17
Transmission of information to a third party

1. Where provision of the assistance has been subcontracted, and a bus and/or coach undertaking or the ticket vendor or the tour operator receives a notification of the need for assistance at least 48 hours before the published departure time for the journey, it shall transmit the relevant information to the sub-contractor at least 36 hours before the published departure time for the journey.

2. Where provision of the assistance has been subcontracted, and a bus and/or coach undertaking or a ticket vendor or a tour operator does not receive a notification of the need for assistance at least 48 hours before the published departure time for the journey, the carrier or ticket vendor or tour operator shall transmit the information to the sub-contractor as soon as possible.

Article 18 *Training*

Bus and/or coach undertakings shall:

- (a) ensure that all their personnel, including those employed by any sub-contractor, providing direct assistance to disabled persons and persons with reduced mobility have knowledge of how to meet the needs of persons having various disabilities or mobility impairments;
- (a) provide disability-assistance and disability-awareness training as described in Annex II to all their personnel who deal directly with the travelling public;
- (b) ensure that, upon recruitment, all new employees attend disability-related training and that personnel receive refresher training courses when appropriate.

Article 19 *Compensation in respect of wheelchairs and mobility equipment*

1. Where wheelchairs or other mobility equipment, or parts thereof, are lost or damaged whilst being handled at the terminal or transported on board, the passenger to whom the equipment belongs shall be compensated by the bus and/or coach undertaking or the terminal managing body depending on who was responsible for the equipment at the time of loss or damage.

Where necessary every effort shall be undertaken to rapidly provide replacement equipment.

2. There shall be no limit to the amount of compensation payable pursuant to this Article.

Chapter IV **Obligations of bus and/or coach undertakings in the event of interrupted travel**

Article 20 *Responsibility in the event of cancellations and long delays*

Bus and/or coach undertakings shall be liable for cancellations and, where the scheduled duration of a trip exceeds three hours, for delays at departure of more than two hours. In such events the passengers concerned shall at least:

- (a) be offered alternative transport services under reasonable conditions or, if that is impractical, be informed of adequate alternative transport services of other transport operators;
- (b) receive reimbursement of the ticket price unless they accept alternative transport services referred to in point(a);
- (c) have the right to compensation amounting to 100 % of the ticket price if the bus and/or coach undertaking fails to provide alternative services or information as referred to in point (a). The compensation shall be paid within one month after the submission of the request for compensation.

Article 21
Provision of information

1. In the event of delay, bus and/or coach undertakings or, where appropriate, terminal managing bodies shall inform passengers of estimated departure and arrival times as soon as this information is available, but not later than 30 minutes after a scheduled departure or one hour before a scheduled arrival respectively.
2. If passengers miss a connection due to a delay, bus and/or coach undertakings shall make reasonable efforts to inform the passengers concerned of alternative connections.

Article 22
Further claims

Nothing in this Regulation shall preclude passengers from seeking damages in respect of loss resulting from cancellation or delay of transport services before national courts.

Article 23
Additional measures in favour of passengers

Bus and coach undertakings shall cooperate in order to adopt arrangements at national or European level with the involvement of stakeholders, professional associations and associations of customers, passengers and disabled persons. These measures should be aimed at improving care for passengers, especially in the event of long delays and interruption or cancellation of travel.

Chapter V

Information for passengers and handling of complaints

Article 24
Right to travel information

Terminal managing bodies and bus and/or coach undertakings shall provide passengers with adequate information throughout their travel in the most appropriate format. Particular

attention shall be paid to the needs of people with disabilities and persons with reduced mobility.

Article 25
Information on passenger rights

1. Bus and/or coach undertakings and terminal managing bodies shall ensure that passengers are provided with appropriate and comprehensible information regarding their rights under this Regulation at the latest on departure and during their journey. The information shall be provided in the most appropriate format. When providing this information particular attention shall be paid to the needs of people with disabilities and persons with reduced mobility. This information shall include contact details of the enforcement body designated by the Member State pursuant to Article 27(1).

Article 26
Complaints

1. Bus and/or coach undertakings shall set up a complaint handling mechanism for rights and obligations covered by this Regulation.
2. Passengers may submit a complaint to a bus and/or coach undertaking within one month from the day when a service was performed or when a service should have been performed. Within 20 working days, the addressee of a complaint shall either give a reasoned opinion or, in justified cases, inform the passenger by what date a reply is to be expected. The time taken to reply shall not be longer than two months from the receipt of the complaint.
3. If no reply is received within the time limits set out in paragraph 2, the complaint shall be deemed to have been accepted.

Chapter VI

Enforcement and national enforcement bodies

Article 27
National enforcement bodies

1. Each Member State shall designate a body or bodies responsible for the enforcement of this Regulation. Each body shall take the measures necessary to ensure that the rights of passengers are respected including compliance with the accessibility rules referred to in Article 12. Each body shall, in its organisation, funding decisions, legal structure and decision-making, be independent of bus and/or coach undertakings.
2. Member States shall inform the Commission of the body or bodies designated in accordance with this Article and of their respective responsibilities.
3. Any passenger may complain to the appropriate body designated under paragraph 1, about an alleged infringement of this Regulation.

4. Member States that have chosen to exempt certain services pursuant to Article 2(2) shall ensure a comparable mechanism of enforcement of passenger rights.

Article 28
Report on enforcement

1. On 1 June each year the enforcement bodies designated pursuant to Article 27 (1) shall publish a report on their activity in the previous year, containing *inter alia*:
 - (a) a description of actions taken in order to implement the provisions of this Regulation,
 - (b) a reference to the procedure applicable to the settlement of individual complaints
 - (c) a summary of rules on accessibility for disabled persons and persons with reduced mobility applicable in that Member State,
 - (d) aggregated data on complaints,
 - (e) details of sanctions applied,
 - (f) other issues of importance for the better enforcement of this Regulation.
2. In order to be able to draft such a report enforcement bodies shall keep statistics on individual complaints, according to the subject and the companies concerned. Such data shall be made available on request to the Commission or to the national investigative authorities up to three years after the date of the incident.

Article 29
Cooperation between enforcement bodies

National enforcement bodies designated pursuant to Article 27 (1) shall exchange information on their work and decision-making principles and practices for the purpose of consistent protection of passengers across the Community. The Commission shall support them in this task.

Article 30
Penalties

Member States shall lay down rules on penalties applicable to infringement of this Regulation and shall take all the measures necessary to ensure that those rules are implemented. The penalties provided for must be effective, proportionate and dissuasive. The Member States shall notify those provisions to the Commission and shall inform it without delay of any subsequent amendment affecting them.

Chapter VII

Final provisions

Article 31 *Report*

The Commission shall report to the European Parliament and the Council at the latest three years after the entry into force of this Regulation, on the operation and effects of this Regulation. The report shall be accompanied, where necessary by legislative proposals implementing in further detail the provisions of this Regulation, or amending it.

Article 32 *Amendment to Regulation (EC) No 2006/2004*

In the Annex to Regulation (EC) No 2006/2004 the following point is added:

"18. Regulation of the European Parliament and of the Council of ... on the rights of passengers in bus and coach transport and amending Regulation EC No 2006/2004 of the European Parliament and of the Council²³

Article 33 *Entry into force*

1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.
2. It shall apply with effect from [a year after its entry into force].

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

²³ OJ L [...], [...], p. [...]

ANNEX I

Assistance provided to disabled persons and persons with reduced mobility

a) Assistance at terminals

Assistance and arrangements necessary to enable disabled persons and persons with reduced mobility to:

- communicate their arrival at the terminal and their request for assistance at designated points;
- move from designated point to cash-desk, waiting room and embarkation area.

b) Assistance on board

Assistance and arrangements necessary to enable disabled persons and persons with reduced mobility to:

- board the vehicle, with the provision of lifts, wheelchairs or other appropriate equipment;
- load their luggage;
- retrieve their luggage;
- disembark from the vehicle;
- move to toilet facilities, if required;
- carry a recognised assistance dog on board a bus or coach;
- proceed to the seats;
- be provided with essential information on a journey in accessible formats;
- embark/ disembark during pauses in a journey, if feasible.

ANNEX II

Disability-related training

a) Disability-awareness training

Training of staff that deal directly with the travelling public includes:

- awareness of and appropriate responses to passengers with physical, sensory (hearing and visual), hidden or learning disabilities, including how to distinguish between the different abilities of individuals whose mobility, orientation, or communication may be reduced;
- barriers faced by disabled persons and persons with reduced mobility, including attitudinal, environmental/physical and organisational barriers;
- recognised assistance animals, including the role and the needs of an assistance animal;
- dealing with unexpected occurrences;
- interpersonal skills and methods of communication with deaf and hearing impaired people, visually impaired people, speech impaired people and people with a learning disability;
- how to handle wheelchairs and other mobility aids carefully so as to avoid damage (to all staff who are responsible for baggage handling if any).

b) Disability-assistance training

Training of staff directly assisting disabled persons and persons with reduced mobility includes:

- how to help wheelchair users make transfers into and out of a wheelchair;
- skills for providing assistance to disabled persons and persons with reduced mobility travelling with a recognised assistance animal, including the role and the needs of those animals;
- techniques for escorting blind and partially-sighted passengers and for the handling and carriage of recognised assistance animals;
- an understanding of the types of equipment which can assist disabled persons and persons with reduced mobility and a knowledge of how to handle such an equipment;
- the use of boarding and deboarding assistance equipment used and knowledge of the appropriate boarding and deboarding assistance procedures that safeguard the safety and dignity of disabled persons and persons with reduced mobility;
- sufficient understanding of the need for reliable and professional assistance. Also awareness of the potential of certain disabled passengers to experience feelings of vulnerability during travel because of their dependence on the assistance provided.
- a knowledge of first aid.