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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 23**Proposal for a regulation – amending act****Article 1 – point 5 a (new)**

Regulation (EC) No 479/2009

Article 16 – paragraph 1

(5a) In Article 16, paragraph 1 is replaced by the following:

'1. Member States shall ensure that the actual data reported to the Commission (Eurostat) are provided in accordance with the principles established by Articles 2 and 12 of Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics⁽¹⁾. In this regard, the responsibility of the national statistical authorities is to ensure the compliance of reported data with Article 1 of this Regulation and the underlying ESA 95 accounting rules. Member States shall ensure that the national statistical authorities are provided with access to all relevant information necessary to perform this task.

⁽¹⁾ OJ L 87, 31.3.2009, p. 164.'

Rights of passengers in bus and coach transport *II**

P7_TA(2010)0256

European Parliament legislative resolution of 6 July 2010 on the Council position at first reading for adopting a regulation of the European Parliament and of the Council concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 (05218/3/2010 – C7-0077/2010 – 2008/0237(COD))

(2011/C 351 E/28)

(Ordinary legislative procedure: second reading)

The European Parliament,

- having regard to the Council position at first reading (05218/3/2010 – C7-0077/2010),
- having regard to the Commission proposal to Parliament and the Council (COM(2008)0817),
- having regard to Article 251(2) and Article 71(1) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0469/2008),
- having regard to its position at first reading⁽¹⁾,

⁽¹⁾ Texts adopted of 23 April 2009, P6_TA(2009)0281.

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- having regard to the Commission Communication to Parliament and the Council entitled ‘Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures’ (COM(2009)0665),
 - having regard to Article 294(7) and Article 91(1) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 16 July 2009 ⁽¹⁾,
 - after consulting the Committee of the Regions,
 - having regard to Rule 66 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on Transport and Tourism (A7-0174/2010),
1. Adopts its position at second reading hereinafter set out;
 2. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

⁽¹⁾ OJ C 317, 23.12.2009, p. 99.

P7_TC2-COD(2008)0237

Position of the European Parliament adopted at second reading on 6 July 2010 with a view to the adoption of Regulation (EU) No .../2010 of the European Parliament and of the Council concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91(1) thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:

- (1) Action by the Union 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, wherever they travel. Moreover, full account should be taken of the requirements of consumer protection in general.

⁽¹⁾ OJ C 317, 23.12.2009, p. 99.

⁽²⁾ Position of the European Parliament of 23 April 2009 (OJ C 184 E, 8.7.2010, p. 312), position of the Council of 11 March 2010 (OJ C 122 E, 11.5.2010, p. 1) and position of the European Parliament of 6 July 2010.

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- (2) Since the bus or coach passenger is the weaker party to the transport contract, all passengers should be granted a minimum level of protection.
- (3) Union measures to improve passengers' rights in the bus and coach transport sector should take account of the specific characteristics of this sector, which consists largely of small -and medium-sized undertakings.
- (4) Taking into account the specific characteristics of special regular services and own-account transport operations, these types of transport should be left outside the scope of this Regulation. Special regular services should include dedicated services for the carriage of disabled persons and persons with reduced mobility, carriage of workers between home and work, carriage to and from the educational institution for school pupils and students.
- (5) Taking into account the specific characteristics of urban, suburban and regional regular services **which form part of services integrated with urban or suburban services**, Member States should be granted the right to exempt these types of transport from the application of **II** part of this Regulation. In order to identify **these** urban, suburban and regional regular services, Member States should take into account criteria such as **the administrative division, geographical situation**, distance, frequency of services, number of scheduled stops, type of buses or coaches employed, ticketing schemes, fluctuations in passenger numbers between services in peak and off-peak periods, bus codes and time-tables.
- (6) Passengers **should enjoy liability rules comparable to those applicable to other modes of transport in the event of accidents resulting in death or injury.**
- (7) **Carriers should be liable for loss or damage of passengers' luggage on terms comparable to those applicable to other modes of transport.**
- (8) Passengers should, in addition to compensation in accordance with applicable national law in the event of death or personal injury or loss of or damage to luggage due to accidents arising out of the use of the bus or coach, be entitled to assistance with regard to their immediate practical **and economic** needs following an accident. Such assistance **should** include, **where necessary**, first aid, accommodation, food, clothes, transport **and funeral expenses. In the event of death or personal injury, the carrier shall in addition make advance payments to cover immediate economic needs on a basis proportional to the damage suffered, provided that there is prima facie evidence of causality attributable to the carrier.**
- (9) 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 rights as all other citizens with regard to free movement, freedom of choice and non-discrimination.
- (10) 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 reduced mobility, except for reasons which are justified on the grounds of safety or of the design of vehicles or infrastructure. Within the framework of relevant legislation for the protection of workers, disabled persons and persons with reduced mobility should enjoy the right to assistance at terminals and on board vehicles. In the interest of social inclusion, the persons concerned should receive the assistance free of charge. Carriers should establish access conditions, preferably using the European Standardisation system.

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- (11) In deciding on the design of new terminals, and as part of major refurbishments, terminal managing bodies should, **without exception and as an essential condition**, take into account the needs of disabled persons and persons with reduced mobility, **in accordance with 'design for all' requirements**. In any case, terminal managing bodies should designate points where such persons can notify their arrival and need for assistance.
- (12) **Similarly, carriers should take those needs into account when deciding on the design of new and newly refurbished vehicles.**
- (13) **Member States should improve existing infrastructure, where this is necessary to enable carriers to ensure access for disabled persons and persons with reduced mobility as well as to provide appropriate assistance.**
- (14) In order to respond to the needs of disabled persons and persons with reduced mobility, staff should be adequately trained. With a view to facilitating the mutual recognition of national qualifications of drivers, disability awareness training could be provided as a part of the initial qualification or periodic training as referred to in Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers ⁽¹⁾. In order to ensure coherence between the introduction of the training requirements and the time-limits set out in that Directive, a possibility for exemption during a limited period of time should be allowed.
- (15) **Organisations representative of disabled persons or persons with reduced mobility should be consulted or involved in preparing the content** of the disability-related training.
- (16) 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, **such as large print, plain language, Braille, electronic communications that can be accessed with adaptive technology, and audio tapes.**
- (17) This Regulation should not restrict the rights of carriers to seek compensation from any person, including third parties, in accordance with the applicable national law.
- (18) Inconvenience experienced by passengers due to cancellation or **significant** delay of their journey should be reduced. To this end, passengers departing from terminals should be adequately looked after and informed **in a way which is accessible to everyone**. Passengers should also be able to cancel their journey and have their tickets reimbursed or to continue their journey or to obtain re-routing under satisfactory conditions. **If carriers fail to provide passengers with the necessary assistance, passengers should have a right to obtain financial compensation.**
- (19) Through their professional associations, carriers should cooperate in order to adopt arrangements at **regional**, national or European level with the involvement of stakeholders, professional associations and associations of customers, passengers and disabled persons, aiming to improve **provision of information and** care for passengers, especially in the event of cancellations and long delays.
- (20) This Regulation should not affect the rights of passengers established by Council Directive 90/314/EEC of 13 June 1990 on package travel, package holidays and package tours ⁽²⁾. This Regulation should not apply in cases where a package tour is cancelled for reasons other than cancellation of the bus or coach transport service.

⁽¹⁾ OJ L 226, 10.9.2003, p. 4.

⁽²⁾ OJ L 158, 23.6.1990, p. 59.

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- (21) Passengers should be fully informed of their rights under this Regulation, so that they can effectively exercise those rights.
- (22) Passengers should be able to exercise their rights by means of appropriate complaint procedures implemented by carriers or, as the case may be, by submission of complaints to the body or bodies designated to that end by the relevant Member State.
- (23) Member States should ensure compliance with this Regulation and designate a competent body or bodies to carry out supervision and enforcement tasks. This does not affect the rights of passengers to seek legal redress from courts under national law.
- (24) Taking into account the procedures established by Member States for the submission of complaints, a complaint concerning assistance should preferably be addressed to the body or bodies designated for the enforcement of this Regulation in the Member State where the boarding point or alighting point is situated.
- (25) Member States should lay down penalties applicable to infringements of this Regulation and ensure that those penalties are applied. Those penalties should be effective, proportionate and dissuasive.
- (26) Since the objectives of this Regulation, namely to ensure an equivalent level of protection of and assistance to passengers in bus and coach transport throughout the Member States, cannot sufficiently be achieved by the Member States and can therefore by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. 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.
- (27) 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 data ⁽¹⁾.
- (28) 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) ⁽²⁾. That Regulation should therefore be amended accordingly.
- (29) **Member States should promote the use of public transport and introduce interoperable, intermodal information systems thereby facilitating the provision of timetable information and integrated pricing and ticketing in order to optimise the use and interoperability of the various transport modes. These services must be accessible to disabled persons and persons with reduced mobility.**
- (30) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, as referred to in Article 6 of the Treaty on European Union, bearing in mind also Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin ⁽³⁾ and Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services ⁽⁴⁾,

⁽¹⁾ OJ L 281, 23.11.1995, p. 31.

⁽²⁾ OJ L 364, 9.12.2004, p. 1.

⁽³⁾ OJ L 180, 19.7.2000, p. 22.

⁽⁴⁾ OJ L 373, 21.12.2004, p. 37.

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HAVE ADOPTED THIS REGULATION:

Chapter I

General provisions

Article 1

Subject matter

This Regulation establishes rules for bus and coach transport as regards the following:

- (a) non-discrimination between passengers with regard to transport conditions offered by carriers;
- (b) rights of passengers in the event of accidents arising out of the use of the bus or coach resulting in death or personal injury or loss of or damage to luggage;
- (c) non-discrimination and mandatory assistance for disabled persons and persons with reduced mobility;
- (d) rights of passengers in cases of cancellation or delay;
- (e) minimum information to be provided to passengers;
- (f) handling of complaints;
- (g) general rules on enforcement.

Article 2

Scope

1. This Regulation shall apply to passengers travelling with regular services:
 - (a) where the boarding point of the passenger is situated in the territory of a Member State; or
 - (b) where the boarding point of the passenger is situated outside the territory of a Member State and the alighting point of the passenger is situated in the territory of a Member State.
2. In addition, with the exception of **Articles 11 to 18 and** Chapters **IV** to **VI**, this Regulation shall apply to passengers travelling with occasional services where the initial boarding point or the final alighting point of the passenger is situated in the territory of a Member State.
3. This Regulation shall not apply to special regular services and own-account transport operations.
4. With the exception of Articles 4(2), 7, 9, 11, 12(1), **13(1), 15(1), 18, 19(1), 19(2), 21, 25, 27, 28 and 29**, Member States may exempt urban **and** suburban **■** regular services, **as well as regional regular services, if they are part of services integrated with urban or suburban services**, including cross-border services of that type, from the application of this Regulation.

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5. Member States shall inform the Commission of exemptions of different types of services granted pursuant to **paragraph 4 within ... (*)**. The Commission shall take appropriate action if such an exemption is deemed not to be in accordance with the provisions of this Article. By ... (**), the Commission shall submit to the European Parliament and the Council a report on exemptions granted pursuant to **paragraph 4**.

6. Nothing in this Regulation shall be understood as **conflicting with existing legislation on** technical requirements **for** buses or coaches or infrastructure **■** at bus stops and terminals.

Article 3

Definitions

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

- (a) 'regular services' means services which provide for the carriage of passengers by bus or coach at specified intervals along specified routes, passengers being picked up and set down at predetermined stopping points;
- (b) 'special regular services' means regular services, by whomsoever organised, which provide for the carriage by bus or coach of specified categories of passengers to the exclusion of other passengers;
- (c) 'own-account transport operations' means operations carried out by bus or coach for non-commercial and non-profit-making purposes by a natural or legal person, whereby:
 - the transport activity is only an ancillary activity for that natural or legal person, and
 - the vehicles used are the property of that natural or legal person or have been obtained by that person on deferred terms or have been the subject of a long-term leasing contract and are driven by a member of the staff of the natural or legal person or by the natural person himself or by personnel employed by, or put at the disposal of, the undertaking under a contractual obligation;
- (d) 'occasional services' means services which do not fall within the definition of regular services and the main characteristic of which is the carriage by bus or coach of groups of passengers constituted on the initiative of the customer or the carrier himself;
- (e) 'transport contract' means a contract of carriage between a carrier and a passenger for the provision of one or more regular or occasional services;
- (f) 'ticket' means a valid document or other evidence of a transport contract;
- (g) 'carrier' means a natural or legal person, other than a tour operator, **travel agent** or ticket vendor, offering regular or occasional services to the general public;
- (h) 'performing carrier' means a natural or legal person other than the carrier, who actually performs the carriage wholly or partially;
- (i) 'ticket vendor' means any intermediary concluding transport contracts on behalf of a carrier;

(*) OJ: Please insert date three months from the date of application of this Regulation.

(**) OJ: Please insert date five years after the date of application of this Regulation.

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- (j) 'travel agent' means any intermediary acting on behalf of a passenger for the conclusion of transport contracts;
- (k) 'tour operator' means an organiser **■**, other than a carrier, within the meaning of Article 2(2) **■** of Directive 90/314/EEC;
- (l) '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 locomotor, 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;
- (m) 'access conditions' means relevant standards, guidelines and information on the accessibility of buses and/or of designated terminals including their facilities for disabled persons or persons with reduced mobility;
- (n) 'reservation' means a booking of a seat on board a bus or coach for a regular service at a specific departure time;
- (o) 'terminal' means a staffed terminal where according to the specified route a regular service is scheduled to stop for passengers to board or alight, equipped with facilities such as a check-in counter, waiting room or ticket office;
- (p) 'bus stop' means any point other than a terminal where according to the specified route a regular service is scheduled to stop for passengers to board or alight;
- (q) 'terminal managing body' means an organisational entity in a Member State responsible for the management of a designated terminal;
- (r) 'cancellation' means the non-operation of a regular service which was previously scheduled;
- (s) 'delay' means a difference between the time the regular service was scheduled to depart in accordance with the published timetable and the time of its actual departure.

Article 4

Tickets and non-discriminatory contract conditions

1. Carriers shall provide a ticket to the passenger, unless other documents give entitlement to transport. A ticket may be issued in an electronic format.
2. Without prejudice to social tariffs, the contract conditions and tariffs applied by carriers shall be offered to the general public without any direct or indirect discrimination based on the nationality of the final customer or on the place of establishment of the carriers, or ticket vendors within the Union.

Article 5

Other performing parties

1. If the performance of the obligations under this Regulation has been entrusted to a performing carrier, ticket vendor or any other person, the carrier, travel agent, tour operator or terminal managing body, who has entrusted such obligations, shall nevertheless be liable for the acts and omissions of that performing party.

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2. In addition, the party to whom the performance of an obligation has been entrusted by the carrier, travel agent, tour operator or terminal managing body shall be subject to the provisions of this Regulation with regard to the obligation entrusted.

Article 6

Exclusion of waiver

1. Rights and obligations pursuant to this Regulation shall not be waived or limited, in particular by a derogation or restrictive clause in the transport contract.

2. Carriers may offer contract conditions that are more favourable to the passenger than the conditions laid down in this Regulation.

Chapter II

Compensation and assistance in the event of accidents

Article 7

Liability for death and injury of passengers

1. *In accordance with this Chapter, carriers shall be liable for the loss or damage resulting from the death of, or personal injury to, passengers, caused by accidents arising out of the operation of bus and coach transport services and occurring while the passenger is entering, in or leaving the vehicle.*

2. *The non-contractual liability of carriers for damages shall not be subject to any financial limit, be it defined by law, convention or contract.*

3. *For any claim up to the amount of EUR 220 000 per passenger, a carrier shall not exclude or limit its liability by proving that it has taken the care required pursuant to paragraph 4(a), unless the total amount of the resulting claim exceeds the amount for which compulsory insurance is, in conformity with Directive 2009/103/EC of the European Parliament and of the Council of 16 September 2009 relating to insurance against civil liability in respect of the use of motor vehicles and the enforcement of the obligation to insure against such liability⁽¹⁾, required under the national legislation of the Member state in which the bus or coach is normally based. In such a situation, liability shall be limited to that amount.*

4. *A carrier 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 or which the carrier could not have avoided, in spite of having taken the care required in the particular circumstances of the case, or 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.

Nothing in this Regulation shall:

(a) imply that a carrier is the sole party liable to pay damages; or

(b) restrict any rights of a carrier to seek redress from any other party in accordance with the applicable law of a Member State.

⁽¹⁾ OJ L 263, 7.10.2009, p. 11.

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Article 8

Damages

1. *In the event of the death of a passenger, the damages in respect of the liability provided for in Article 7 shall comprise:*

(a) *any necessary costs following the passenger's 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.*

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 for treatment and for 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 9

Immediate practical *and economic* needs of passengers

In the event of an accident arising out of the use of the bus or coach, the carrier shall provide assistance with regard to the passengers' immediate practical needs following the accident. **Such assistance shall include, where necessary, first aid, accommodation, food, clothes, transport and funeral expenses. In the event of death or personal injury, the carrier shall in addition make advance payments to cover immediate economic needs on a basis proportional to the damage suffered, provided that there is prima facie evidence of causality attributable to the carrier.** Any payments made, or assistance provided shall not constitute recognition of liability.

Article 10

Liability for lost and damaged luggage

1. *Carriers shall be liable for the loss of or damage to luggage placed under their responsibility. The maximum compensation shall amount to EUR 1 800 per passenger.*

2. *In the event of accidents arising out of the operation of bus and coach transport services, carriers 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 1 300 per passenger.*

3. *A carrier shall not be held liable for loss or damage pursuant to paragraphs 1 and 2:*

(a) *if the loss or damage has been caused by circumstances not connected with the operation of bus and coach transport services or which the carrier 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 loss or damage is the fault of the passenger or caused by his negligence.*

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Chapter III

Rights of disabled persons and persons with reduced mobility

Article 11

Right to transport

1. Carriers, travel agents and tour operators shall not refuse to accept a reservation from, to issue or otherwise provide a ticket to or to take on board a person on the grounds of disability or of reduced mobility.
2. Reservations and tickets shall be offered to disabled persons and persons with reduced mobility at no additional cost.

Article 12

Exceptions and special conditions

1. Notwithstanding Article 11(1), carriers, travel agents and tour operators may refuse to accept a reservation from, to issue or otherwise provide a ticket to or to take on board a person on the grounds of disability or of reduced mobility:
 - (a) in order to meet applicable safety requirements established by international, Union or national law, or in order to meet health and safety requirements established by the competent authorities;
 - (b) where the design of the vehicle or the infrastructure, including bus stops and terminals, makes it physically impossible to take on board, alight or carry the disabled person or person with reduced mobility in a safe and operationally feasible manner.
2. In the event of a refusal to accept a reservation or to issue or otherwise provide a ticket on the grounds referred to in paragraph 1, carriers, travel agents and tour operators shall ■ inform the person concerned about an acceptable alternative service operated by the carrier.
3. If a disabled person or a person with reduced mobility, who holds a reservation or has a ticket and has complied with the requirements of Article 16(1)(a), is nonetheless refused permission to board on the grounds of his disability or reduced mobility, that person and any accompanying person pursuant to paragraph 4 of this Article shall be offered the choice between:
 - (a) the right to reimbursement, and where relevant a return service free of charge to the first point of departure, as set out in the transport contract, at the earliest opportunity; and
 - (b) except where not feasible, continuation of the journey or re-routing by reasonable alternative transport services to the place of destination set out in the transport contract.

The right to reimbursement of the money paid for the ticket shall not be affected by the failure to notify in accordance with Article 16(1) (a).

4. ***If a carrier, travel agent or tour operator refuses to accept a reservation from, to issue or otherwise provide a ticket to or to take on board a person on the grounds of disability or of reduced mobility for the reasons set out in paragraph 1 of this Article or if the crew of the vehicle concerned consists only of one person who drives the vehicle and who is not in a position to provide the disabled person or the person with reduced mobility with all the assistance as specified in Annex I part b), a disabled person or person with reduced mobility may request to be accompanied by another person who is capable of providing the assistance required by the disabled person or person with reduced mobility ■. Such an accompanying person shall be transported free of charge and, where feasible, seated next to the disabled person or person with reduced mobility.***

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5. When carriers, travel agents or tour operators have recourse to paragraph 1, they shall immediately inform the disabled person or person with reduced mobility of the reasons therefor, and, upon request, inform the person in question in writing within five working days of the request.

Article 13

Accessibility and information

1. In cooperation with organisations representative of disabled persons or persons with reduced mobility, carriers and terminal managing bodies shall, where appropriate through their organisations, establish, or have in place, non-discriminatory access conditions for the transport of disabled persons and persons with reduced mobility.

2. The access conditions provided for in paragraph 1 shall be made publicly available by carriers and terminal managing bodies **in accessible formats, 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 disabled persons and persons with reduced mobility.**

3. **Upon request the carriers shall immediately make available copies of the international, Union or national laws establishing the safety requirements, on which non-discriminatory access rules are based. These must be provided in accessible formats.**

4. Tour operators shall make available the access conditions 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. The information on access conditions referred to in paragraphs 2 and 4 shall be physically distributed at the request of the passenger.

6. Carriers, travel agents and tour operators shall ensure that all relevant general information concerning the journey and the conditions of carriage is available in appropriate and accessible formats for disabled persons and persons with reduced mobility including, where applicable, online booking and information. The information shall be physically distributed at the request of the passenger.

Article 14

Designation of terminals

Member States shall designate bus and coach terminals where assistance for disabled persons and persons with reduced mobility shall be provided. Member States shall inform the Commission thereof. The Commission shall make available a list of the designated bus and coach terminals on the Internet.

Article 15

Right to assistance at designated terminals and on board buses and coaches

1. ■ Carriers and terminal managing bodies shall, within their respective areas of competence, at terminals designated by Member States, provide assistance free of charge to disabled persons and persons with reduced mobility, **at least to the extent** specified in part (a) of Annex I.

2. ■ Carriers shall, on board buses and coaches, provide assistance free of charge to disabled persons and persons with reduced mobility, **at least to the extent** specified in part (b) of Annex I.

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Article 16

Conditions under which assistance is provided

1. Carriers and terminal managing bodies shall cooperate in order to provide assistance to disabled persons and persons with reduced mobility on condition that:
 - (a) the person's need for such assistance is notified to carriers, terminal managing bodies, travel agents or tour operators at the latest **24 hours** before the assistance is needed; and
 - (b) the persons concerned present themselves at the designated point:
 - i) at the time stipulated in advance by the carrier which shall be no more than 60 minutes before the published departure time ***unless a shorter period is agreed between the carrier and the passenger;*** or
 - ii) if no time is stipulated, no later than 30 minutes before the published departure time.
2. In addition to paragraph 1, disabled persons or persons with reduced mobility shall notify the carrier, travel agent or tour operator at the time of reservation or advance purchase of the ticket of their specific seating needs, provided that the need is known at that time.
3. Carriers, terminal managing bodies, travel agents 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 designated terminals and their points of sale including sale by telephone and via the Internet.
4. If no notification is made in accordance with paragraphs 1(a) and 2, carriers, terminal managing bodies, travel agents 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 alight from the arriving service for which he has purchased a ticket.
5. The terminal managing body shall designate a point inside or outside the terminal at which disabled persons or persons with reduced mobility can announce their arrival and request assistance. The point shall be clearly signposted and shall offer basic information about the terminal and assistance provided, in accessible formats.

Article 17

Transmission of information to a third party

If travel agents or tour operators receive a notification referred to in Article 16(1)(a) they shall, within their normal office hours, transfer the information to the carrier or terminal managing body as soon as possible.

Article 18

Training

1. Carriers and, where appropriate, terminal managing bodies shall establish disability-related training procedures, including instructions, and ensure that:
 - (a) their personnel, other than drivers, including those employed by any other performing party, providing direct assistance to disabled persons and persons with reduced mobility are trained or instructed as described in Annex II, part a) and b);and
 - (b) their personnel, including drivers, who deal directly with the travelling public or with issues related to the travelling public, are trained or instructed as described in Annex II, part a).

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2. A Member State may for a maximum period of two years from ... (*) grant an exemption from the application of paragraph(1)(b) with regard to training of drivers.

Article 19

Compensation in respect of wheelchairs and other mobility equipment

1. Carriers and terminal managing bodies shall be liable where they have caused loss of or damage to wheelchairs, other mobility equipment or assistive devices **■**. The loss or damage shall be compensated by the carrier or terminal managing body liable for that loss or damage.
2. The compensation referred to in paragraph 1 shall be equal to the cost of replacement or repair of the equipment or devices lost or damaged.
3. Where necessary, every effort shall be undertaken to rapidly provide temporary replacement equipment or devices. The wheelchairs, other mobility equipment or assistive devices shall, where possible, have technical and functional features similar to those lost or damaged.

■

Chapter IV

Passenger Rights in the event of cancellation or delay

Article 20

Continuation, re-routing and reimbursement

1. Where a carrier reasonably expects a regular service to be cancelled or delayed in departure from a terminal for more than 120 minutes **or in the case of overbooking**, the passenger shall immediately be offered the choice between:
 - (a) continuation or re-routing to the final destination, **at no additional cost and** under comparable conditions as set out in the transport contract, at the earliest opportunity;
 - (b) reimbursement of the ticket price, and, where relevant, a return service by bus or coach free of charge to the first point of departure, as set out in the transport contract, at the earliest opportunity;
 - (c) **in addition to the reimbursement referred to in point (b), the right to compensation amounting to 50 % of the ticket price if the carrier fails to offer continuation or re-routing to the final destination as referred to in point (a). The compensation shall be paid within one month after the submission of the request for compensation.**
2. **Where the bus or coach becomes inoperable, passengers shall be offered transport from the location of the inoperable vehicle to a suitable waiting point or terminal from where continuation of the journey becomes possible.**
3. Where a regular service is cancelled or delayed in departure from a bus stop for more than 120 minutes, passengers shall have the right to such continuation or re-routing or reimbursement of the ticket price from the carrier.

(*) OJ: Please insert the date of application of this Regulation.

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4. The payment of reimbursement provided for in paragraphs 1(b) and 3 shall be made within 14 days after the offer has been made or request has been received. The payment shall cover the full cost of the ticket at the price at which it was purchased, 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 shall be equal to its proportional part of the full cost of the pass or ticket. The reimbursement shall be paid in money, unless the passenger accepts another form of reimbursement.

Article 21

Information

1. In the event of cancellation or delay in departure of a regular service, passengers departing from terminals shall be informed by the carrier or, where appropriate, the terminal managing body, of the situation as soon as possible and in any event no later than 30 minutes after the scheduled departure time, and of the estimated departure time as soon as this information is available.

2. If passengers miss, according to the timetable, a connecting service due to a cancellation or delay, the carrier or, where appropriate, the terminal managing body, shall make reasonable efforts to inform the passengers concerned of alternative connections.

3. The carrier or, where appropriate, the terminal managing body, shall ensure that disabled persons and persons with reduced mobility receive the information required under paragraphs 1 and 2 in accessible formats.

Article 22

Assistance in case of cancelled or delayed departures

1. For a journey of a scheduled duration of more than three hours the carrier shall, in case of cancellation or delay in departure from a terminal of more than **one hour**, offer the passenger free of charge:

- (a) snacks, meals or refreshments in reasonable relation to the waiting time or delay, provided they are available on the bus or in the terminal, or can reasonably be supplied;
- (b) a hotel room or other accommodation as well as assistance to arrange transport between the terminal and the place of accommodation in cases where a stay of one or more nights becomes necessary.

2. In applying this Article the carrier shall pay particular attention to the needs of disabled persons and persons with reduced mobility and any accompanying persons.

Article 23

Further claims

Nothing in this Chapter shall preclude passengers from seeking damages in accordance with national law before national courts in respect of loss resulting from the cancellation or delay of regular services.

Article 24

Additional measures in favour of passengers

Carriers 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 shall be aimed at improving care for passengers, especially in the event of long delays and interruption or cancellation of travel with a particular focus on passengers with special needs due to disability, reduced mobility, illness, elderly age and pregnancy and including accompanying passengers and passengers travelling with young children.

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Chapter V

General rules on information and complaints

Article 25

Right to travel information

Carriers and terminal managing bodies shall, within their respective areas of competence, provide passengers with adequate information **from the moment of reservation and** throughout their travel **in accessible formats and according to a common conceptual model for public transport data and systems**.

Article 26

Information on passenger rights

1. Carriers and terminal managing bodies shall, within their respective areas of competence, ensure that passengers are provided with appropriate and comprehensible information regarding their rights under this Regulation **upon reservation and** at the latest on departure. The information shall be provided **in accessible formats, and according to a common conceptual model for public transport data and systems**, at terminals and where applicable, on the Internet. ¶ This information shall include contact details of the enforcement body or bodies designated by the Member State pursuant to Article 29(1).

2. In order to comply with the information requirement referred to in paragraph 1, carriers and terminal managing bodies may use a summary of the provisions of this Regulation prepared by the Commission in all the official languages of the institutions of the European Union and made available to them.

Article 27

Complaints

Carriers shall set up or have in place a complaint handling mechanism for the rights and obligations set out in **this Regulation**.

Article 28

Submission of complaints

If a passenger covered by this Regulation wants to make a complaint to the carrier ¶, he shall submit it within three months from the date on which the regular service was performed or when a regular service should have been performed. Within one month of receiving the complaint, the carrier shall give notice to the passenger that his complaint has been substantiated, rejected or is still being considered. The time taken to provide the final reply shall not be longer than **two** months from the receipt of the complaint.

Chapter VI

Enforcement and national enforcement bodies

Article 29

National enforcement bodies

1. Each Member State shall designate **an** existing body or bodies, **or, if there is no existing body, a new body** responsible for the enforcement of this Regulation ¶. Each body shall take the measures necessary to ensure compliance with this Regulation.

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Each body shall, in its organisation, funding decisions, legal structure and decision-making, be independent of carriers, tour operators and terminal managing bodies.

2. Member States shall inform the Commission of the body or bodies designated in accordance with this Article.

3. Any passenger may submit a complaint **■** to the appropriate body designated under paragraph 1, or to any other appropriate body designated by a Member State, about an alleged infringement of this Regulation.

A Member State may decide **■** that the passenger as a first step shall submit a complaint **■** to the carrier *in which case* the national enforcement body or any other appropriate body designated by the Member State shall act as an appeal body for complaints not resolved under Article 28.

Article 30

Report on enforcement

By 1 June ... (*) and every two years thereafter, the enforcement bodies designated pursuant to Article 29(1) shall publish a report on their activity in the previous two calendar years, containing in particular a description of actions taken in order to implement this Regulation and statistics on complaints and sanctions applied.

Article 31

Cooperation between enforcement bodies

National enforcement bodies as referred to in Article 29(1) shall, whenever appropriate, exchange information on their work and decision-making principles and practices. The Commission shall support them in this task.

Article 32

Penalties

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

Chapter VII

Final provisions

Article 33

Report

The Commission shall report to the European Parliament and the Council by ... (**), 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.

(*) OJ: Please insert date two years after the date of the application of this Regulation.

(**) OJ: Please insert date of the application of this Regulation.

(***) OJ: Please insert date three years after the date of application of this Regulation.

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Article 34

Amendment to Regulation (EC) No 2006/2004

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

‘18. Regulation (EU) No: .../2010 of the European Parliament and of the Council of ... on the rights of passengers in bus and coach transport (*) (+).

(*) OJ ... (++)

(+) OJ: Please insert number and date of adoption of this Regulation.

(++) OJ: Please insert the publication references of this Regulation.’

Article 35

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from ... (**).

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

Done at,

For the European Parliament
The President

For the Council
The President

(**) OJ: Please insert date two years after the date of publication.

ANNEX I

Assistance provided to disabled persons and persons with reduced mobility

a) Assistance at designated 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 the designated point to the check-in counter, waiting room and embarkation area;
- board the vehicle, with the provision of lifts, wheelchairs or other assistance needed, as appropriate;
- load their luggage;
- retrieve their luggage;
- alight from the vehicle;
- carry a recognised assistance dog on board a bus or coach;
- proceed to the seat.

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b) Assistance on board

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

- be provided with essential information on a journey in accessible formats subject to request made by the passenger;
- **move to toilet facilities on board, if there are personnel other than the driver on board;**
- board/alight during pauses in a journey, if there are personnel other than the driver on board.

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 persons 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 dogs, including the role and the needs of an assistance dog;
- dealing with unexpected occurrences;
- interpersonal skills and methods of communication with deaf people and people with hearing impairments, people with visual impairments, people with speech impairments, and people with a learning disability;
- how to handle wheelchairs and other mobility aids carefully so as to avoid damage (for all staff who are responsible for luggage 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 dog, including the role and the needs of those dogs;
- techniques for escorting passengers with visual impairments and for the handling and carriage of recognised assistance dogs;
- 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 alighting assistance equipment used and knowledge of the appropriate boarding and alighting assistance procedures that safeguard the safety and dignity of disabled persons and persons with reduced mobility;

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- 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.

Rights of passengers when travelling by sea and inland waterway ***II

P7_TA(2010)0257

European Parliament legislative resolution of 6 July 2010 on the Council position at first reading for adopting a regulation of the European Parliament and of the Council concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004 (14849/3/2009 – C7-0076/2010 – 2008/0246(COD))

(2011/C 351 E/29)

(Ordinary legislative procedure: second reading)

The European Parliament,

- having regard to the Council position at first reading (14849/3/2009 – C7-0076/2010),
- having regard to the Commission proposal to Parliament and the Council (COM(2008)0816),
- having regard to Article 251(2) and Articles 71(1) and 80(2) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0476/2008),
- having regard to its position at first reading ⁽¹⁾,
- having regard to the Commission Communication to Parliament and the Council entitled ‘Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures’ (COM(2009)0665),
- having regard to Article 294(7) and Articles 91(1) and 100(2) of the Treaty on the Functioning of the European Union,
- having regard to the opinion of the European Economic and Social Committee of 16 July 2009 ⁽²⁾,
- after consulting the Committee of Regions,
- having regard to Rule 66 of its Rules of Procedure,
- having regard to the recommendation for second reading of the Committee on Transport and Tourism (A7-0177/2010),

1. Adopts its position at second reading hereinafter set out;
2. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

⁽¹⁾ Texts adopted of 23.4.2009, P6_TA(2009)0280.

⁽²⁾ OJ C 317, 23.12.2009, p. 89.