

European Passenger Rights Regulation: What's in it for us?



Over the last few years the European Union has been bringing in standardised rights for public transport users. The aims are primarily to eliminate discrimination, ensure that passengers have adequate information, and provide help for people who get stranded miles from home when there are serious problems.

Separate legislation has been brought in progressively for airline passengers, train passengers, ferry passengers, and most recently for coach and bus passengers.

'Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport', to give it its full title, came into force on 1 March 2013. Application of the Regulation is taking a little time, and throughout Europe there have so far been very few cases brought under the new legislation.

Coverage and exemptions

Most of the Regulation's provisions only apply to coach services in excess of 250km in length (about 155 miles) and the UK Government has taken advantage of the option to exempt domestic (non-international) services for at least four years, with the possibility of a further four-year extension. This means that as far as UK services are concerned, for the most part the Regulation currently applies only to international journeys

within the EU; it probably won't apply to express services within the UK until 1 March 2021.

There are also exemptions for services to non-EU territories. The UK Government has exempted services from London to Geneva and Zurich, on the basis that Switzerland is not in the EU, even though some passengers may use these services to get from London to Paris or Brussels.

National Enforcement Bodies

However there are parts of the Regulation that do apply to all bus and coach services, regardless of whether they are more than 250km or cross an international boundary.

Member states are required to nominate enforcement bodies, which can impose penalties on operators and handle complaints. In the UK the enforcement and complaints roles have been split.

Outside London, Bus Users is the nominated body to handle complaints, while London TravelWatch handles complaints on London bus services and facilities.

Responsibility for enforcement lies with the Traffic Commissioners, who can impose fines on operators that do not comply.

In the UK, passengers will have to give the bus or coach company the opportunity to sort the matter out first, which is the approach Bus Users has always taken in our complaint handling. If the matter isn't resolved to the passenger's satisfaction, then Bus Users (or London TravelWatch) will review the case. Any operator not complying with the resolution of the case has to be referred to the Traffic Commissioner, who can fine them.

Nominated terminals

Member States also have to nominate terminals where there has to be specific help and information available for disabled people. In the UK the nominated terminals are the National Express station in Birmingham and London's Victoria Coach Station.

Passengers with disabilities will be able to arrive at the coach station and be helped through everything to get to their seat on the coach, including getting their luggage and mobility aids loaded (with of course the reverse required on arrival at the other end). All staff they encounter will have to be trained in assisting

them, though there is currently an exemption for drivers, which the Government is reviewing; most drivers are trained in helping passengers with disabilities anyway.

Passengers will have to give 36 hours' notice of their need for assistance and will need to turn up at least half an hour before departure time, though operators have the right to ask people to arrive up to an hour before departure.

Bus and coach companies will have to replace or repair any mobility or other disability aids

example, had different fares for its own residents, with overseas nationals being charged a higher fare; such schemes are no longer legal. Nonetheless the UK's present arrangements regarding free travel for older or disabled passengers remain legal, for example where only English residents get free travel in England.

Adequate information

The other right the Regulation confers on all of us is the right to adequate information. Quite what this means in practice is

Compensation

The full provisions of the Regulation, applicable only on cross-border services of more than 250km as far as UK nationals are currently concerned, require a minimum compensation of €220,000 in cases of death or serious injury and €1,200 per item of luggage lost or damaged. In the event of an accident, passengers are entitled to first aid and other help and up to two nights' accommodation, not exceeding €80 per night.

When a coach is cancelled or its departure is delayed by two hours or more passengers will have the choice of a full refund and being returned free of charge to where their journey began, or to get to their destination, if necessary by a different route, as soon as possible and at no extra cost. Passengers at terminals should be informed of delays and likely departure times no more than 30 minutes after the scheduled departure time. If the delay is more than 90 minutes on journeys scheduled to take three hours or more, refreshments should be provided. If the delay is overnight, then accommodation has to be provided, unless the delay is caused by extreme weather or natural disaster. However these

provisions don't apply to passengers with an 'open' ticket, only to those restricted to a particular departure.

So far, then, the Regulation is rather limited in its scope for the UK, but as the exemptions expire then it will have more 'teeth'. If you'd like to know more, go to

ec.europa.eu/transport/passenger-rights/en. **BU**



The new EU Regulation gives passengers at terminals the right to 'adequate information', particularly when things go wrong.

that get damaged during a journey. This applies on any bus or coach service, not just long-distance coaches; there are no exemptions to this requirement.

Regardless of the length of journey, bus and coach operators cannot refuse to carry someone on the basis of disability, so long as it's physically possible to get the person on board and doing so doesn't conflict with health and safety legislation. They can't be charged extra for travelling either. Nor can operators charge different fares according to where passengers come from. Malta, for

not yet entirely clear. The Regulation requires coach and bus companies and terminal managing bodies to provide passengers with 'adequate information throughout their travel'. Where feasible this should be provided in accessible formats, though there doesn't seem to be a definition of what 'adequate' or 'feasible' means in this context. The Department for Transport is yet to issue guidelines for the implementation of the Regulation, and Bus Users is in discussion with them.

