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NOTE

from:	General Secretariat
to:	Permanent Representatives Committee/Council
Subject:	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 - Outcome of the European Parliament's second reading (Strasbourg, 5 to 8 July 2010)

I. INTRODUCTION

The Rapporteur, Mr Antonio CANCIAN (EPP - IT), presented a recommendation containing 51 amendments to the proposal for a Regulation, on behalf of the Committee on Transport and Tourism.

II. DEBATE

The debate, which took place on 5 July 2010, was a joint debate which covered two legislative proposals:

- the 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 [2008/0237 (COD) / Rapporteur: Mr Antonio CANCIAN (EPP - IT)] - *see section III below for the voting results*; and
- the proposal for 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 on cooperation between national authorities responsible for the enforcement of consumer protection laws [2008/0246 (COD) / Rapporteur: Mrs Inés AYALA SENDER (S&D - ES) - *see doc. 11715/10 for the voting results*.

Mr Antonio CANCIAN (EPP - IT) opened the debate and:

- expressed his feeling that the Member States do not really want to see the adoption of the proposed Regulation on the rights of passengers in bus and coach transport;
- stated the need for a balanced solution that does not penalise companies (most of which are SMEs), but which also takes account of passenger needs (especially passengers who are disabled or who have reduced mobility); and
- recognised that the Council had to date shown some flexibility, but not on some key elements such as the scope of application, the date of entry into force, the right to free hotel accommodation where journeys are interrupted, and access to information.

Mrs Inés AYALA SENDER (S&D - ES) welcomed the compromise agreement reached with the Council in second reading on the proposal for a Regulation concerning the rights of passengers when travelling by sea and inland waterway. Having detailed the various concessions that had been extracted from the Council, she concluded that the final package would greatly benefit European passengers.

Commissioner KALLAS:

- stated that the Commission believed the compromise secured on maritime and inland waterways passenger rights to be a good one. The overall objectives in the Commission's proposal had been taken into account. He placed stress on the Parliament's remarkable success in enlarging the scope of the proposal;
- noted that negotiations had been more difficult on bus and coach passengers' rights. The main points of contention were:
 - the scope of applications;
 - the provisions on liability and assistance to meet the immediate practical needs of passengers in the case of accident; and
 - provisions to promote the mobility of persons with reduced mobility and disabled persons.
- expressed his belief that a compromise in conciliation is still possible.

Speaking on behalf of the EPP political group, Mr Werner KUHN (EPP – DE) welcomed the exemptions to be granted for smaller vessels and short-distance journeys.

Speaking on behalf of the S&D political group, Mr Brian SIMPSON (S&D – UK):

- expressed his disappointment that a second-reading agreement had not been reached for bus passengers' rights and described as unacceptable the:
 - exclusion of the vast majority of bus and coach services from the scope of the Regulation;
 - weakening of the rights of people with reduced mobility; and
 - principle that any mode of transport is any different to any other.
- stated that the Council had done nothing to facilitate any agreement and had 'as usual' spent most of the time dragging its feet. He observed that, when passenger rights are on the agenda, the Council becomes very negative and that it is left to the Parliament to defend passengers' rights; and
- called for strong support for the Rapporteurs so that the Parliament can 'go into battle with Council through conciliation with a very strong hand'.

Speaking on behalf of the ALDE political group, Mrs Gesine MEISSNER (ALDE – DE):

- regretted the failure to reach an agreement on bus passengers' rights, but noted that some progress had been made; and
- noted that the aging of the European population will result in future in an increase in the number of passengers who are disabled or who have restricted mobility.

Speaking on behalf of the Greens/EFA political group, Mrs Eva LICHTENBERGER (Greens/EFA - AT) expressed her extreme disappointment with the Council's stance on bus passengers' rights. The wish to made due allowance for the needs of SMEs was only one small element. There was a fundamental lack of will on Council's part.

Speaking on behalf of the ECR political group, Mr Philip BRADBURN (ECR – UK):

- opposed the 'one size fits all' approach, whereby what works for aviation and the rail sector is now to be applied to the wholly different structure of the bus and coach sector. One issue concerns informing passengers of their rights. Another relates to liability levels which could lead to companies having to pay the costs of funerals before any liability has been determined. Such proposals would certainly increase the cost to the consumer;
- supported the proposal to exempt purely local services;
- noted that most bus and coach businesses are small and in some cases sole traders. The imposition of prescriptive and costly obligations on these businesses will force up prices or reduce the number of economically viable routes; and
- stated that the Parliament's position was not proportionate and would trigger a long conciliation. This would in turn delay the granting of rights to bus and coach passengers as well as safeguards to bus and coach businesses.

Mr Thomas ULMER (EPP - DE) stressed the needs of SMEs.

Mr Saïd EL KHADRAOUI (S&D - BE):

- regretted the Council's inability to show the flexibility required for a compromise agreement on the bus and coach passengers' rights proposal;
- stressed the need to protect the vulnerable and also disabled and reduced-mobility passengers; and
- called for passengers to receive the information they need and also assistance such as overnight accommodation.

Mrs Debora SERRACCHIANI (S&D – IT):

- called for regional services to be excluded from the scope of the bus passengers' rights proposal when they are integrated with urban and suburban services;
- argued that passengers' rights should be guaranteed in the event of incidents, cancellations and delayed departures;
- called for passengers to be given information on connections with other modes of transport; and
- stressed the needs of disabled and reduced-mobility passengers.

Mr Michael CRAMER (Greens/EFA – DE) argued that larger companies also have interests at stake, but that they prefer to push SMEs forward to argue their case for them. The Parliament can certainly take the interests of SMEs into account, but needs to ensure that larger companies make adequate provision for disabled and reduced-mobility passengers.

III. VOTE

The parliament adopted 50 amendments when it voted in plenary on the following day, 6 July 2010 (amendments 1-42, 44-51).

The text of the amendments adopted and the European Parliament's legislative resolution are annexed to this note.

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

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))

(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 reading¹,
- 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 2009²,
- 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;

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

² OJ C 317, 23.12.2009, p. 99.

2. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Council position – amending act Recital 5

Council position

(5) Taking into account the specific characteristics of urban, suburban and regional regular services, Member States should be granted the right to exempt these types of transport from the application of **a significant** part of this Regulation. In order to identify urban, suburban and regional regular services, Member States should take into account criteria such as 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 timetables.

Amendment

(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 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 timetables.

Amendment 2

Council position – amending act Recital 6

Council position

(6) Passengers and, as a minimum, persons whom the passenger had, or would have had, a legal duty to maintain should enjoy adequate protection in the event of accidents arising out of the use of the bus or coach, taking into account 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.

Amendment

(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.

Amendment 3

Council position – amending act Recital 7

Council position

(7) In choosing the national law applicable to compensation for death or personal injury as well as for loss of or damage to luggage due to accidents arising out of the use of the bus or coach, Regulation (EC) No 864/2007 of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations (Rome II) and Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) should be taken into account.

Amendment

(7) Carriers should be liable for loss or damage of passengers' luggage on terms comparable to those applicable to other modes of transport.

Amendment 4

Council position – amending act Recital 8

Council position

(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 needs following an accident. Such assistance *could* include first aid, accommodation, food, clothes *and* transport.

Amendment

(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.*

Amendment 5

Council position – amending act
Recital 11

Council position

(11) In deciding on the design of new terminals, and as part of major refurbishments, terminal managing bodies should, ***where possible***, take into account the needs of disabled persons and persons with reduced mobility. In any case, terminal managing bodies should designate points where such persons can notify their arrival and need for assistance.

Amendment

(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.

Amendment 6

Council position – amending act
Recital 11 a (new)

Council position

Amendment

(11a) Similarly, carriers should take those needs into account when deciding on the design of new and newly refurbished vehicles.

Amendment 7

Council position – amending act
Recital 11 b (new)

Council position

Amendment

(11b) 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.

Amendment 8

Council position – amending act
Recital 13

Council position

Amendment

(13) ***Where possible***, organisations

(13) Organisations representative of

representative of disabled persons or persons with reduced mobility should be consulted or involved in *the organisation* of the disability-related training.

disabled persons or persons with reduced mobility should be consulted or involved in *preparing the content* of the disability-related training.

Amendment 9

Council position – amending act

Recital 14

Council position

(14) 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.

Amendment

(14) 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.*

Amendment 10

Council position – amending act

Recital 16

Council position

(16) Inconvenience experienced by passengers due to cancellation or *long* delay of their journey should be reduced. To this end, passengers departing from terminals should be adequately looked after and informed. 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.

Amendment

(16) 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.*

Amendment 11

Council position – amending act
Recital 17

Council position

(17) Through their professional associations, carriers should 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, aiming to improve care for passengers, especially in the event of cancellations and long delays.

Amendment

(17) 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.

Amendment 12

Council position – amending act
Recital 26 a (new)

Council position

Amendment

(26a) Member States should promote the use of public transport and introduce interoperable, intermodal information systems allowing for timetable information and pricing with the issuing of multimodal tickets in order to optimise the use and interoperability of the various transport modes. These services must be accessible to disabled persons.

Amendment 13

Council position – amending act
Article 2 - paragraph 2

Council position

Amendment

2. In addition, with the exception of Chapters III 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.

2. In addition, with the exception of ***Articles 9 to 16 and 18 of Chapter III*** 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.

Amendment 14

Council position – amending act Article 2 - paragraph 4

Council position

4. With the exception of Articles 4(2), 9 **and** 10(1), Member States may exempt urban, suburban and **regional** regular services, including cross-border services of that type, from the application of this Regulation

Amendment

4. With the exception of Articles 4(2), 7, 8, 9, 10(1), **11(1), 13(1), 16, 17(1), 17(2), 20, 23, 25, 26 and 27** 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

Amendment 15

Council position – amending act Article 2 - paragraph 5

Council position

5. With the exception of Articles 4(2), 9 and 10(1), Member States may, on a transparent and non-discriminatory basis, exempt domestic regular services from the application of this Regulation. Such exemptions may be granted for a period no longer than five years, which may be renewed twice.

Amendment

deleted

Amendment 16

Council position – amending act Article 2 - paragraph 6

Council position

6. For a maximum period of five years, Member States may, on a transparent and non-discriminatory basis, exempt from the application of this Regulation particular regular services because a significant part of the regular service, including at least one scheduled stop, is operated outside the Union. Such exemptions may be renewed.

Amendment

deleted

Amendment 17

Council position – amending act Article 2 - paragraph 7

Council position

7. Member States shall inform the Commission of exemptions of different types of services granted pursuant to **paragraphs 4, 5 and 6**. 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 **paragraphs 4, 5 and 6**.

Amendment

7. Member States shall inform the Commission of exemptions of different types of services granted pursuant to **paragraph 4 within three months from the date of application of this Regulation**. 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**.

Amendments 18 and 19

Council position – amending act Article 2 - paragraph 8

Council position

8. Nothing in this Regulation shall be understood as **constituting** technical requirements **imposing obligations on carriers or terminal managing bodies to modify or replace** buses or coaches or infrastructure **or equipment** at bus stops and terminals.

Amendment

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

Amendment 20

Council position – amending act Article 3 - point g

Council position

(g) "carrier" means a natural or legal person, other than a tour operator or ticket vendor, offering regular or occasional services to the general public;

Amendment

(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;

Amendment 21

Council position – amending act
Article 3 - point k

Council position

(k) "tour operator" means an organiser **or retailer**, other than the carrier, within the meaning of Article 2(2) **and (3)** of Directive 90/314/EEC;

Amendment

(k) "tour operator" means an organiser, other than a carrier, within the meaning of Article 2(2) of Directive 90/314/EEC;

Amendment 22

Council position – amending act
Article 7

Council position

***Death or personal injury to passengers
and loss of or damage to luggage***

1. Passengers shall, in accordance with applicable national law, be entitled to compensation for death or personal injury as well as to loss of or damage to luggage due to accidents arising out of the use of the bus or coach. In case of death of a passenger, this right shall as a minimum apply to persons whom the passenger had, or would have had, a legal duty to maintain.

2. The amount of compensation shall be calculated in accordance with applicable national law. Any maximum limit provided by national law to the compensation for death and personal injury or loss of or damage to luggage shall on each distinct occasion not be less than:

(a) EUR 220 000 per passenger;

(b) with regard to urban, suburban and regional regular or occasional services EUR 500 per item of luggage and with regard to all other regular or occasional services EUR 1 200 per item of luggage. In the event of damage to wheelchairs, other mobility equipment or assistive devices the amount of compensation shall always be equal to the cost of replacement or repair of the equipment lost or damaged.

Amendment

***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 in, entering 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 Second Council Directive 84/5/EEC of 30 December 1983 on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles, 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.

Amendment 23

Council position – amending act Article 7 a (new)

Council position

Amendment

Article 7a

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.

Amendment 24

Council position – amending act Article 8

Council position

Immediate practical needs of passengers

In the event of an accident arising out of the use of the bus or coach, the carrier shall provide **reasonable** assistance with regard to the passengers' immediate practical needs following the accident. Any assistance shall not constitute recognition of liability.

Amendment

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.

Amendment 25

Council position – amending act Article 8 a (new)

Council position

Amendment

Article 8a

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.

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 and 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.

Amendment 26

Council position – amending act Article 10 - paragraph 2

Council position

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 ***make reasonable efforts to*** inform the person concerned about an acceptable alternative service operated by the carrier.

Amendment

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.

Amendment 27

Council position – amending act Article 10 - paragraph 4

Council position

4. ***Under the same conditions set out in paragraph 1(a), a carrier, travel agent or tour operator may require that*** a disabled person or person with reduced mobility be accompanied by another person who is capable of providing the assistance

Amendment

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***

required by the disabled person or person with reduced mobility, ***if this is strictly necessary***. Such an accompanying person shall be transported free of charge and, where feasible, seated next to the disabled person or person with reduced mobility.

paragraph 1 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 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.

Amendment 28

Council position – amending act Article 11 - paragraph 2

Council position

2. The access conditions provided for in paragraph 1 shall be made publicly available by carriers and terminal managing bodies ***physically or on the Internet*** in the same languages as those in which information is generally made available to all passengers.

Amendment

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.***

Amendment 29

Council position – amending act Article 11 - paragraph 2 a (new)

Council position

Amendment

2a. 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.

Amendment 30

Council position – amending act Article 13 - paragraph 1

Council position

1. ***Subject to the access conditions provided for in Article 11(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 ***as*** specified in part (a) of Annex I.

Amendment

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.

Amendment 31

Council position – amending act Article 13 - paragraph 2

Council position

2. ***Subject to the access conditions provided for in Article 11(1)***, carriers shall, on board buses and coaches, provide assistance free of charge to disabled persons and persons with reduced mobility ***as*** specified in part (b) of Annex I.

Amendment

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.

Amendment 32

Council position – amending act Article 14 - paragraph 1 - point a

Council position

(a) the person's need for such assistance is notified to carriers, terminal managing bodies, travel agents or tour operators at the latest ***two working days*** before the assistance is needed; and

Amendment

(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

Amendment 33

Council position – amending act Article 14 - paragraph 1 - point b - point i

Council position

i) at the time stipulated in advance by the carrier which shall be no more than 60

Amendment

i) at the time stipulated in advance by the carrier which shall be no more than 60

minutes before the published departure time; or

minutes before the published departure time ***unless a shorter period is agreed between the carrier and the passenger***; or

Amendment 34

Council position – amending act **Article 17 - paragraph 1**

Council position

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, ***resulting from the provision of assistance***. The loss or damage shall be compensated by the carrier or terminal managing body liable for that loss or damage.

Amendment

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.

Amendment 35

Council position – amending act **Article 18 - paragraph 1**

Council position

1. Without prejudice to Article 2(4), Member States may exempt domestic regular services from the application of all or some of the provisions of this Chapter, provided that they ensure that the level of protection of disabled persons and persons with reduced mobility under their national rules is at least the same as under this Regulation.

Amendment

deleted

Amendment 36

Council position – amending act **Article 18 - paragraph 2**

Council position

2. Member States shall inform the Commission of exemptions granted pursuant to paragraph 1. 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

Amendment

deleted

the Council a report on exemptions granted pursuant to paragraph 1.

Amendment 37

Council position – amending act

Article 19 - paragraph 1 - introductory part

Council position

1. Where a carrier reasonably expects a regular service to be cancelled or delayed in departure from a terminal for more than 120 minutes, the passenger shall immediately be offered the choice between:

Amendment

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:

Amendment 38

Council position – amending act

Article 19 - paragraph 1 - point a

Council position

(a) continuation or re-routing to the final destination, under comparable conditions, as set out in the transport contract, at the earliest opportunity;

Amendment

(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;

Amendment 39

Council position – amending act

Article 19 - paragraph 1 - point b a (new)

Council position

Amendment

(ba) in addition to the reimbursement referred to in point (b), have 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.

Amendment 40

Council position – amending act Article 19 - paragraph 1 a (new)

Council position

Amendment

1a. 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.

Amendment 41

Council position – amending act Article 21 - introductory part

Council position

Amendment

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 ***two hours***, offer the passenger free of charge:

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:

Amendment 42

Council position – amending act Article 21 - point b

Council position

Amendment

(b) ***assistance to find*** 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.

(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.

Amendment 44

Council position – amending act Article 22 a (new)

Council position

Amendment

Article 22a

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, pregnancy and including accompanying passengers and passengers travelling with young children.

Amendment 45

Council position – amending act
Article 23

Council position

Carriers and terminal managing bodies shall, within their respective areas of competence, provide passengers with adequate information throughout their travel. *Where feasible this information shall be provided in accessible formats upon request.*

Amendment

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.*

Amendment 46

Council position – amending act
Article 24 - paragraph 1

Council position

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 at the latest on departure. The information shall be provided at terminals and where applicable, on the Internet. *At the request of a disabled person or person with reduced mobility the information shall be*

Amendment

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

provided in an accessible format. This information shall include contact details of the enforcement body or bodies designated by the Member State pursuant to Article 27(1).

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 27(1).

Amendment 47

Council position – amending act Article 25

Council position

Carriers shall set up or have in place a complaint handling mechanism for the rights and obligations set out in **Articles 4, 8 and 9 to 24**.

Amendment

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

Amendment 48

Council position – amending act Article 26

Council position

If a passenger covered by this Regulation wants to make a complaint to the carrier ***with regard to Articles 4, 8 and 9 to 24***, 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 ***three*** months from the receipt of the complaint.

Amendment

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.

Amendment 49

Council position – amending act Article 27 - paragraph 1

Council position

1. Each Member State shall designate ***a new or*** existing body or bodies responsible for the enforcement of this Regulation ***as regards regular services from points situated on its territory and regular***

Amendment

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

services from a third country to such points. Each body shall take the measures necessary to ensure compliance with this Regulation.

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

ensure compliance with this Regulation.

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

Amendment 50

Council position – amending act

Article 27 - paragraph 3

Council position

3. Any passenger may submit a complaint, ***in accordance with national law***, 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:

a) that the passenger as a first step shall submit a complaint ***with regard to Articles 4, 8 and 9 to 24*** to the carrier; ***and/or***

b) ***that*** 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 26.

Amendment

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 26.

Amendment 51

Council position – amending act

Annex I - part b - indent 1 a (new)

Council position

Amendment

- move to toilet facilities on board, if there are personnel other than the driver on board.