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EXECUTIVE SUMMARY OF THE EVALUATION

of Regulation (EU) No 181/2011 concerning the rights of passengers in bus and coach transport

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Introduction

Regulation (EU) No 181/2011 concerning the rights of passengers in bus and coach transport ('the Regulation') was adopted under the EU framework for passenger rights to ensure a level playing field for bus and coach operators in the EU, and a European standard of passenger protection. The Regulation introduced new protections for passengers and created obligations for carriers, terminal managing bodies, travel agents, tour operators and Member State authorities. It started to apply eight years ago (1 March 2013).

The possibility of exemptions, which was provided for in the Regulation up to 1 March 2021, limited the application of important provisions until recently. In 2018, some 200 million passengers (from among 2.7 billion bus and coach passengers annually) used bus and coach services for a distance of 250 km or more and fully benefited from the Regulation. In line with the Commission's better regulation guidelines and the recent 'Sustainable and Smart Mobility Strategy' a full evaluation of the Regulation is now appropriate.

Purpose and scope of the evaluation

The purpose of the *ex post* evaluation was to provide an insight into how the Regulation was applied, assess whether it has achieve its intended aims, and determine its overall intended and unintended impacts. The evaluation, which began in July 2019, is based on the collection and detailed analysis of published pan-European data covering the 2013-2018 period, and information from interest groups and other industry sources. Its scope covers the period from 1 March 2013 until the start of the evaluation support study in February 2020. The findings of the evaluation therefore cannot consider the impact of COVID-19, although, where available, clear tendencies and stakeholder opinions are reflected in it. The geographic scope encompasses 27 EU Member States, the United Kingdom, Iceland, Norway and Switzerland.

Main findings

Effectiveness – Analysis of the progress made towards achieving the objectives

Many stakeholders welcomed the consistent framework of rights established across the EU. However, there remain gaps in the Regulation that undermine its effectiveness, e.g. a low level of passenger awareness of their rights; limited protection for services involving distances of less than 250 km; delays en route and on arrival are outside the Regulation's scope; liability is limited for damaged or lost luggage, etc. A number of issues concern the role of NEBs because Member States have taken different approaches in their national law to meet the Regulation's requirements, the NEBs differ in how they enforce it - for example as regards the conduct of monitoring activities and the imposing of appropriate sanctions. Sanctions are generally infrequent and for low amounts; the NEBs receive a limited number of complaints (on average 1.5 complaints per million passengers). The relatively limited monitoring and enforcement activities performed by a number of NEBs also influence the effectiveness of the legal framework.

The various approaches seen across Member States in the provision of assistance to persons with disabilities and reduced mobility (PRM) further reduce the Regulation's effectiveness.

Efficiency – Costs and benefits of the EU intervention

Owing to the limited availability of relevant data, quantification of the Regulation's costs and benefits proved challenging. Many stakeholders had no firm view on whether the costs of the Regulation were proportionate to the benefits, and their views varied depending on the category of group involved. While passenger representatives' views were mostly positive (net cost of the Regulation is estimated at an additional EUR 0.05 per passenger), carriers' views were mostly negative. However, bus and coach operators did not call for lower regulatory costs at this stage. The individual costs and workloads of NEBs are relatively low and are largely linked to the very small number of complaints received. Operator costs are more substantial, but in the consultation, operators did not make strong objections about disproportionate costs.

Relevance – The objectives of the intervention are still relevant today

The original objectives of the Regulation remain highly relevant and broadly correspond to current passenger needs. The changes in the EU bus and coach market and the increased use of digital technology had a substantial impact both on the bus and coach industry and on passengers' experience. The evaluation identified the specific objectives of establishing basic quality standards, more consistent handling of complaints and effective monitoring as partly achieved by the Regulation. Overall, the issues identified at the time of the intervention would have persisted if the Regulation had not been adopted, and a number of them have been addressed by the Regulation to a certain degree.

Coherence – Internal and external coherence of the intervention

In terms of internal coherence, the evaluation identified some inconsistencies in the achievement of uniform, high-level protection, hindered by the scope of the Regulation as several provisions do not apply to services below the 250 km distance threshold (including PRM passengers' rights) or to occasional services. No major issues were identified in relation to other European policies and related acts (e.g. insurance against civil liability in respect of the use of motor vehicles, competition policy and EU external transport policy). A few inconsistencies were identified with the Package Travel Directive concerning the protection of passengers on occasional services as well as passenger rights granted across transport modes.

EU added value – Additional value resulting from EU interventions

The EU-wide legislation on bus and coach passenger rights resulted in added value by introducing a consistent level of rights for passengers throughout the EU; such rights were very limited or non-existent in most Member States prior to the introduction of the Regulation. As a result, passengers travelling by bus and coach benefit from greater protection and have more confidence, while greater awareness of PRM needs was encouraged among Member States. A common framework of enforcement and complaints handling was also established. However, the added value of the Regulation has been constrained by the distinction between 'basic' and 'extended' rights, and by the differences identified in complaints processes and enforcement mechanisms put in place across the EU.