EUROPEAN
COMMISSION

Brussels, 10.12.2021
SWD(2021) 415 final

COMMISSION STAFF WORKING DOCUMENT

EVALUATION

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

{SWD(2021) 416 final}

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Glossary

Term or acronym	*Meaning or definition*
ADR	Alternative Dispute Resolution
CPC	Consumer Protection Cooperation
EC	European Commission
ECC	European Consumer Centre
EEA	European Economic Area
EU	European Union
EU27	The 27 Member States of the EU after 31 January 2020, excluding the United Kingdom
EU+4	The EU27 plus Iceland, Norway, Switzerland and the United Kingdom
FTE	Full Time Equivalent (employees)
NEB	National Enforcement Body
ODR	Online Dispute Resolution
PRM	Persons with disabilities or reduced mobility
PSO	Public Service Obligation
PSC	Public Service Contract
SCM	Standard Cost Model
SMS	Short Message Service
TFEU	Treaty on the Functioning of the European Union

1. INTRODUCTION

1.1. Overall context of passenger rights

Collective transport services are vital to stimulate economic growth, to enable social and territorial cohesion and to preserve the environment in the EU, and their quality affects directly their attractiveness and the satisfaction of passengers. Traditionally passenger rights were mandated through the terms and conditions of the contract between passengers and carriers. This approach proved insufficient as very often it turned out to be costly, cumbersome and frustrating for passengers to defend their rights vis-à-vis carriers. It is the reason why the objective to introduce passenger protection rules in all modes of transport was set by the Commission twenty years ago.[1]

Today the EU framework for passenger rights provides a minimum level of protection for citizens using collective transport services (either air, rail, waterborne or bus and coach transport). They promote quality and protect passengers during all phases of the journey (before, during and after the service). The framework consists of five Regulations covering air, rail, bus and coach, as well as waterborne passenger rights. These Regulations were designed to minimise travel disruptions, improve information available to passengers, and ensure an immediate and proportionate assistance when required, including for persons with disabilities and reduced mobility (PRM).

The EU passenger rights Regulations were mainly adopted between 2004 and 2011 and are the following:

- Regulation (EC) No 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights,[2] keeping in mind that denied boarding[3] and carrier's liability in the event of accident[4] in aviation were already addressed in the 1990s. This Regulation was complemented by Regulation (EC) No 1107/2006 concerning the rights of persons with disabilities and persons with reduced mobility when travelling by air;[5]

- Regulation (EC) No 1371/2007 concerning rail passengers' rights and obligations,[6] which will be replaced by Regulation (EU) No 2021/782[7] as of 7 June 2023;

[1] White paper – 'European Transport policy for 2010: time to decide', COM(2001) 370 final, 12.09.2001.

[2] Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 (OJ L 46, 17.2.2004, p. 1–8).

[3] Council Regulation (EEC) No 295/91 of 4 February 1991 establishing common rules for a denied boarding compensation system in scheduled air transport (OJ L 36, 08.02.1991, p. 5-7).

[4] Council Regulation (EC) No 2027/97 of 9 October 1997 on air carrier liability in the event of accidents (OJ L 285, 17.10.1997, p. 1-3).

[5] Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air (OJ L 204, 26.7.2006, p. 1-9).

[6] Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations (OJ L 315, 3.12.2007, p. 14-41).

[7] Regulation (EU) No 782/2021 of the European Parliament and of the Council of 29 April 2021 on rail passengers' rights and obligations (OJ L 172, 17.5.2021, p. 1-52).

– Regulation (EU) No 1177/2010 concerning the rights of passengers when travelling by sea and inland waterway;[8] and

– **Regulation (EU) No 181/2011 concerning the rights of passengers in bus and coach transport**,[9] whose *ex-post* evaluation is presented in this report.

After the adoption of passenger rights Regulations for all four transport modes, the Commission published in 2011 "European vision for passengers: Communication on passenger rights in all transport modes"[10] where the three key principles for passenger rights were identified: the non-discrimination of passengers; the availability of accurate, timely and accessible information to all passengers; and an immediate and proportionate assistance when required, underpinned by the so-called ten core passenger rights (see Table A6.10 in Annex 6). The framework also intended to contribute to a level playing field for transport operators within and across modes, through creating a European standard for passenger protection.

As a result, EU passenger rights apply to a growing market of around 450 million citizens performing several billions of journeys every year for private or business purpose.[11] In this context, the passenger protection has become a cornerstone of EU transport policy,[12] building on international conventions and the general consumer protection framework of the Union.

In its recent Sustainable and Smart Mobility Strategy,[13] the Commission observed that "EU passenger rights should be better implemented, clearer for both carriers and passengers, offer adequate assistance, reimbursement, possibly compensation when disruptions arise, and appropriate penalties if the rules are not properly applied" and expressed its intention to take actions to achieve this aim.

In line with the Sustainable and Smart Mobility Strategy, the level of protection introduced by Regulation (EU) No 181/2011 on bus and coach passenger rights (hereafter "the Regulation") ten years ago is now evaluated in the context of the simplification and consolidation of the EU framework on passenger rights. This exercise is also in line with the

[8] Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004 (OJ L 334, 17.12.2010, p. 1-16).

[9] 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 and amending Regulation (EC) No 2006/2004 (OJ L 55, 28.2.2011, p. 1-12).

[10] Communication from the Commission to the European Parliament and the Council 'A European vision for passengers: Communication on passenger rights in all transport modes'.

[11] Analysis of EU Transport in figures, Statistical pocketbook, European Commission: https://transport.ec.europa.eu/media-corner/publications/statistical-pocketbooks_en and Eurostat statistics explained: https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Category:Passengers

[12] White Paper – 'Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system', COM (2011) 144 final.

[13] See Sustainable and Smart Mobility Strategy – putting European transport on track for the future, paragraph 92; Annex (Action Plan) Action 63, COM(2020) 789 final https://transport.ec.europa.eu/document/download/be22d311-4a07-4c29-8b72-d6d255846069.

recommendations presented by the European Court of Auditors in their special report on passenger rights in November 2018.[14]

1.2. Purpose and scope of the evaluation

The purpose of this *ex-post* evaluation is to assess whether the Regulation has delivered the intended rights to passengers in bus and coach transport, in accordance with the Commission's Better Regulation Guidelines. The evaluation, initiated in 2019,[15] comes nearly eight years after the adoption of the Regulation, and six years after it actually started to apply (1 March 2013), and also considering that, from 1 March 2021, the exemptions regime provided for by the Regulation has come to an end (see Section 3.3 below).

The evaluation covers the period when it started to apply (1 March 2013) until February 2020. The scope of the study does not include the impact of the COVID-19 pandemic in 2020 and 2021. However, when stakeholders have made specific comments or where effects are already clear and unambiguous, these points are presented in the support study and also in this evaluation.

This evaluation, building *inter alia* on the evaluation support study (hereafter "the support study") carried out by an external contractor,[16] and the 2016 Commission's report on the application of the Regulation[17] assesses the actual performance of the Regulation in terms of its:

- Effectiveness: analysing the progress made towards achieving the objectives of the intervention, looking for evidence of why, whether or how these changes are linked to the EU intervention;

- Efficiency: looking closely at both the costs and benefits of the EU intervention as they accrue to different stakeholders, identifying what factors are driving these costs/benefits and how these factors relate to the EU intervention;

- Relevance: looking at the objectives of the EU intervention being evaluated and see how well they (still) match the (current) needs and problems;

- Coherence: looking at how well the intervention works: i) internally and ii) with other EU interventions and international obligations; and

[14] ECA Special Report no 30/2018: EU passenger rights are comprehensive but passengers still need to fight for them. See https://www.eca.europa.eu/en/Pages/DocItem.aspx?did=47547. Recommendations from ECA are the following: (1) improving coherence of the EU passenger rights framework; (2) improving clarity within the passenger rights framework; (3) increasing passenger awareness; (4) improving the effectiveness of the passenger rights framework; and (5) further empowering the NEBs and enhancing the mandate of the Commission.

[15] See Roadmap on https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/11879-Bus-&-coach-transport-passenger-rights-evaluation- en

[16] Study on the EU Framework for Passenger Rights - Part B - Evaluation of Regulation (EU) No 181/2011 on the rights of passengers travelling by bus and coach, Steer (2021). Direct link to main report: https://op.europa.eu/en/publication-detail/-/publication/e26c9065-1b4d-11ec-b4fe-01aa75ed71a1/language-en/format-PDF/source-231262490.

[17] Report from the Commission to the European Parliament and the Council on the application of Regulation (EU) No 181/2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004, COM(2016) 619 final.

– EU added value: considering arguments about the value resulting from EU interventions that is additional to the value that would have resulted from interventions initiated at regional or national levels by both public authorities and the private sector.

The geographic scope of the evaluation covers all 27 EU Member States, as well as the United Kingdom, Iceland, Norway and Switzerland (collectively referred to as "EU+4").[18]

It is now appropriate to subject the Regulation to a full evaluation to determine whether it has reached its intended purposes and whether it continues to be justified in terms of the five criteria listed above.

The evaluation of this Regulation has been carried out in parallel with the evaluation of Regulation (EU) No 1177/2010 on waterborne passenger rights and Regulation (EC) No 1107/2006 concerning the rights of persons with disabilities and persons with reduced mobility when travelling by air.

2. BACKGROUND TO THE INTERVENTION

2.1. Specific context of passenger rights in bus and coach transport

Bus and coach transport is an important mode of transport, traditionally for short journeys and between points in rural areas that are not served by rail and more recently also for long-distance journeys. In total around 2.7 billion passenger journeys are performed by bus and coach on a yearly basis in the EU.[19] Bus and coach transport is also usually one of the cheapest forms of collective transport. Bus and coach users often tend to be 'vulnerable' passengers, in terms of income or age (i.e. students or elderly people) often travelling from/to isolated areas where buses and coaches represent the only available mode of public transport. Bus and coach transport services are indeed able to pick up and alight passengers virtually anywhere, with minimal arrangement of fixed infrastructures, and in this lies its main feature as flexible transport mode.[20]

There have been a number of changes in the EU bus and coach market with potential implications for passengers' needs in the last decade. Liberalisation of domestic markets in large Member States led to a significant increase in passenger traffic, both domestically and internationally. Liberalisation was followed by a relatively rapid consolidation of carriers and a significant increase in the number of routes offered.

[18] As regards the EEA countries, Regulation (EU) No 181/2011 was incorporated in Annex XIII to the EEA Agreement by way of Decision No 115/2015 of the EEA Joint Committee (OJ L 211, 4.8.2016, p. 72: EUR-Lex - 22016D1298 - EN - EUR-Lex (europa.eu). In Switzerland, relevant rules have started to apply on 1 January 2021. The case of Liechtenstein, which is in the scope of Regulation (EU) No 181/2011, was not analysed, given the small size of the country.

[19] Estimation done in the context of the support study by Steer for 2018 of the total passenger journeys in bus and coach over long-distance services.

[20] See COM(2016) 619 final, p. 3.

The bus and coach market consists of 'carriers'[21] offering transport services to the general public and 'performing carriers'[22], usually small or medium-sized enterprises (SMEs), who actually perform the carriage wholly or partially.[23] The range of services operated are defined as 'regular services', meaning services provided at specified intervals along specified routes with predetermined stopping points for non-specified categories of passengers,[24] and 'occasional services', where the groups of passengers are constituted on the initiative of the customer or the carrier himself.[25]

While occasional services can be provided on a commercial basis only, regular services can additionally be provided under the framework of a Public Service Obligation (PSO), according to which transport operators are compensated or given exclusive rights by public authorities to provide public transport services which are in the general interest but would otherwise not be commercially viable. The latter is typically the case of urban, suburban and regional regular services.

The Regulation introduced a specific, enforceable framework of rights for passengers when travelling by bus and coach in the European Union, which is applicable also in the EEA and Switzerland.

2.2. Description of the intervention[26] and its objectives

The situation before the adoption of the Regulation was complex and determined by the minimum of:

- Rights required under national law, if any;
- For Public Service Obligations (PSO) services only, rights specified by competent authorities;
- For PSO services only, rights over and above the PSO requirement offered voluntarily by carriers as part of their proposal to win the PSO contract;
- For all services, rights granted voluntarily by a carrier to preserve its reputation in the market, whether formally included in its conditions of carriage or not.

Certain bus and coach passenger rights existed at EU level already before the adoption of the Regulation:

1. Passengers are since 27 October 2009 eligible for some **protection in the event of an accident**. Directive 2009/103/EC[27] specifies minimum cover of EUR 5 million per claim whatever the number of victims (or EUR 1 million per victim), whilst the

[21] 'Carrier' means a natural or legal person, other than a tour operator, travel agent or ticket vendor, offering transport by regular or occasional services to the general public (Article 3(e) of the Regulation).
[22] 'Performing carrier' means a natural or legal person other than the carrier, who actually performs the carriage wholly or partially (Article 3(f) of the Regulation).
[23] See COM(2016) 619 final.
[24] See Article 3(a), Regulation (EU) No 181/2011.
[25] See Article 3(b), Regulation (EU) No 181/2011.
[26] The ex-ante intervention logic is based on the legislative proposal of 2008 (COM/2008/0817 final) and is modelled in Figure A4.1, in Annex 4.
[27] 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 (OJ L 263, 7.10.2009, p. 11–31).

Regulation provides, in Article 7(2), that any maximum limit for the amount of compensation provided by national law shall not be less than EUR 220 000 per passenger and EUR 1 200 per item of luggage. Under the Directive of 2009, there was a potential issue that compensation might be exhausted after 22 passengers, if everyone on the bus was awarded the maximum compensation for death or injury. In case of death, Regulations (EC) No 864/2007[28] and (EC) No 593/2008[29] were also applicable prior to the introduction of the Regulation. Regulation (EC) No 1073/2009[30] on common rules for access to the international market for coach and bus services also specifies in the case of cabotage that carriers are subject to laws, regulations and administrative provisions in force in the host Member State.

2. As far as **information** is concerned, Regulation (EC) No 684/92[31] previously required operators to provide passengers with their conditions of carriage when travelling by bus and coach. However, it covered international journeys only, while domestic itineraries were excluded.

3. With regard to the **rights of PRM**, prior to the introduction of the Regulation, legislation was already in force at national level in nine Member States at the time (e.g. Austria, France, Germany, Ireland, Italy, Netherlands, Spain, Sweden and United Kingdom) and could be interpreted as protecting them when travelling long distance by bus. No legislation protecting the rights of PRM was available in other Member States.[32]

4. In the event of **cancellation or delay**, passengers were required to rely on legislation at the Member State level, where available, or on carrier's terms and conditions. For services provided under PSO, competent authorities may have chosen to request passenger rights in a number of areas.

The Commission's impact assessment (IA)[33] accompanying the 2008 legislative proposal[34] identified three main areas in which rights needed to be strengthened, namely: (1) the rights of persons with disabilities and reduced mobility, (2) liability issues related

[28] 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) (OJ L 199, 31.7.2007, p. 40–49).
[29] 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) (OJ L 177, 4.7.2008, p. 6–16).
[30] Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, p. 88–105).
[31] Council Regulation (EEC) No 684/92 of 16 March 1992 on common rules for the international carriage of passengers by coach and bus (OJ L 74, 20.3.1992, p. 1–9).
[32] See Impact Assessment Study on the Legislative Proposal on the rights of passengers in International bus and coach transports, Final Report, July 2007. Commissioned by DG Energy and Transport, and carried out by PwC.
[33] Commission staff working document - Accompanying document to 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 - Impact assessment, SEC(2008) 2954 final.
[34] 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, COM(2008) 817 final.

to insurance systems in the event of death or injury, and (3) compensation and assistance in the event of delay or cancellation.

The specific objectives[35] of the intervention included:

- asserting the principle of non-discrimination and assistance to persons with disabilities and persons with reduced mobility;
- asserting the principle of liability of operators in the event of death or injury of passengers;
- ensuring a level of quality standards of services, defining information obligations and asserting the principle of assistance in the event of cancellations, delays, etc.;
- setting up a procedure for handling complaints; and
- ensuring appropriate enforcement.

The IA highlighted a number of main problems within the bus and coach sector affecting both passengers and operators:

- **Unequal footing with other modes of transport.** Passengers in other modes of transport, particularly air, already enjoyed rights established at EU level providing for adequate passenger rights protection since 2004. For bus and coach, an international convention[36] had been ratified by only two Member States, Germany and Latvia. There was no EU legislation establishing passenger rights;
- **Fragmentation of legislation.** Protection of bus and coach passengers varied from one Member State to another. Passengers had to rely on national liability schemes, fair trading legislation and voluntary customer care commitments by operators. Operators in some countries had developed extensive voluntary agreements, including appropriate complaint handling and dispute resolution mechanisms, but this was not the case for the majority of Member States, preventing fair competition between operators from different Member States and with other modes of transport.
- **An "atomized" market.** Many enterprises provided bus and coach services and offered different levels of passenger care and service quality, while passenger care varied between operators and depended largely on national legislation and the voluntary agreements referred to above. This, coupled with a lack of information, often prevented passengers from making informed choices as to the level of service they were likely to receive. As a result, the existing legislative framework created real problems for international and domestic passengers. National legislation varied, creating different levels of passenger protection, and bus and coach transport was on an unequal footing with air and rail, where passengers already benefitted or were to benefit from a high and uniform level of protection.

[35] For each of these objectives, a principle was presented: Principle of non-discrimination and assistance to people with disability; Principle of liability of the operators in the event of death or injury of passengers; Establishment of basic quality standards and monitoring; Cancellation, denied boarding and delays; Complaint handling service and monitoring.

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

- **Persons with disabilities and ageing population.** Passengers using bus and coach transport tended to be 'vulnerable' (low income or geographically isolated), with limited availability of bus and coach services, potentially hampering their integration into society. PRM include persons with disabilities, and regarding reduced mobility, the elderly and those with temporary disabilities. These did not get appropriate assistance when travelling or appropriate access to transport services.
- **Insufficiency of the current legislative framework.** At the time of the proposal, legislation at national level differed from one Member State to another, creating different levels of protection for passengers. In particular, the national legislative framework was considered insufficient in relation to four areas: effective protection of passengers in the event of death or injury, limited liability in case of loss or damage of luggage or mobility equipment, accessible coach travel for PRM passengers, the elderly, with a temporary disability, and other vulnerable groups, and consistent complaint handling.[37]

The final text of the Regulation was adopted on 16 February 2011.[38] The balanced approach found takes into account the rights of passengers, as well as the need to ensure the economic viability of the operators of the bus and coach industry, which consists largely of small and medium-sized undertakings. This is why, in terms of scope, urban, sub-urban and regional transport were deemed to fall within the framework of subsidiarity, and the possibility to exempt the application of the Regulation from these was further discussed and eventually made more concrete with the compromise found on the 250km threshold as explained below.

Regulation (EU) No 181/2011 on bus and coach passenger rights, like other passenger rights Regulations, was meant to contribute to reducing the negative impact of travel disruption on users of collective transport modes and to improving service quality for passengers. The Regulation was also intended to contribute to the creation of a level playing field for bus and coach operators in the EU and a European standard of passenger protection.

It established new protections for passengers when travelling by bus or coach and created obligations for carriers, terminal managing bodies, travel agents, tour operators and Member States. These rights provide for non-discriminatory transport conditions especially for PRM[39], information to passengers (including PRM), compensation and

[37] There was no common system for complaint handling across the EU prior to the Regulation. There was no clear information regarding how complaints were dealt with, and how passengers were able to escalate their complaints if they were not satisfied with the response received from the carriers.

[38] The text was adopted in 1st reading by the European Parliament on 24 April 2009, the Council adopted its position on 11 March 2010, the text was adopted in 2nd reading by the European Parliament on 6 July 2010, but the EP's amendments were rejected by the Council on 25 November 2010. A meeting of the Conciliation Committee took place on 30 November 2010, leading to the adoption of the text in 3rd reading by the European Parliament on 15 February 2011. The main points of the agreement reached in conciliation concerned the scope, time derogations, compensation and assistance in the event of accidents, passengers' rights in the event of cancellations or delays, rights of PRM.

[39] There are approximately 87 million people in the European Union that live with a visible or non-visible disability on a daily basis. It is important that these people have the same possibilities and opportunities as persons who do not have any disabilities. This also applies to travel. People with disabilities and reduced mobility (PRM) should not experience limitations because of their disability and they should not

assistance in the event of accidents, compensation, re-routing and reimbursement in case of cancellation or long delay, assistance in case of cancelled or delayed departures and submission of complaints to NEBs.

The Regulation started to apply on 1 March 2013. Exemptions from the scope of the Regulation were still used by several Member States until the end of February 2021 in relation to two types of services (domestic regular services where the distance is equal or above 250 km and regular services of which a significant part of the service is operated outside the EU (see Section 3.3).[40]

The Regulation applies to passengers travelling with regular services where the boarding or alighting point of the passengers is situated in the territory of a Member State and where the scheduled distance of the service is 250 km or more, as stated under Article 2(1).[41] In addition, a set of 'basic' rights applies to intra-EU regular services although the scheduled distance of the service is below 250 km, as defined under Article 2(2)[42] of the Regulation.

The protection of these 'basic' rights as provided for by the Regulation, which is not subject to the scope restriction of the 250 km referred to above, relate to:

- Article 4(2) on non-discriminatory transport conditions including tariffs;
- Articles 9 and 10(1) on access to transport for people with disabilities or reduced mobility at no extra cost;
- Article 16(1)(b) on disability-related training for drivers (possible exemptions were set out in Article 16(2) but are no longer possible);
- Article 17(1) and (2) on compensation in respect of wheelchairs and other mobility equipment;
- Articles 24 and 25 on minimum rules on travel information provided to all passengers before and during their journey including information on their rights;
- Articles 26 and 27 on a compliant handling mechanism that carriers must make available to all passengers; and
- Article 28 on independent national enforcement bodies (NEBs) in each Member State, for the enforcement of the Regulation as regards regular services and to take the measures necessary to ensure compliance with the Regulation.

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experience any discrimination when travelling by air as well as by any other transport mode. Data: EU SILC (Statistics on Income and Living Conditions) and EU LFS (Labour Force Survey): https://www.disability-europe.net/downloads/1046-ede-task-2-1-statistical-indicators-tables-eu-silc-2018; According to this data, 24.7% of EU population who are more than 16 years old are limited in their activities as a result of a disability: 17.7% having moderate, 7% severe limitations.

[40] https://transport.ec.europa.eu/document/download/c471f60f-a8cd-41d9-b6af-62c14a8f57cd

[41] "This Regulation shall apply to passengers travelling with regular services for non-specified categories of passengers where the boarding or the alighting point of the passengers is situated in the territory of a Member State and where the scheduled distance of the service is 250 km or more."

[42] "As regards the services referred to in paragraph 1 but where the scheduled distance of the service is shorter than 250 km, Article 4(2), Article 9, Article 10(1), point (b) of Article 16(1), Article 16(2), Article 17(1) and (2), and Articles 24 to 28 shall apply."

In practice, under Article 2(5), the application of the entire Regulation may be exempted for up to eight years in relation to services of which a significant part including at least one scheduled stop is operated outside the Union. Under Article 18, all or some of the provisions of Chapter III related to the rights of persons with disabilities and reduced mobility (PRMs) may be exempted, provided that the level of protection of persons with disabilities and persons with reduced mobility under national rules is at least the same as under the Regulation.

The remaining 'extended' rights, which may also be subject to some exemptions by Member States, include compensation and assistance in the event on an accident, additional rights to assistance for passengers with PRM requirements, and passenger rights in the event of cancellation or delay.

The Regulation was designed to provide an increased level of protection for passengers when travelling by bus or coach, in terms of improvements brought to passenger rights, including PRM's rights, and new obligations introduced for carriers, terminal managing bodies, travel agents, tour operators and Member States. It requires NEBs to take the measures necessary to ensure compliance with the Regulation. These measures include imposing effective, proportionate and dissuasive penalties on operators in case of infringements. Other measures to ensure compliance with the Regulation could for example also include the promotion of passenger rights, the inspection of operators and monitoring of their websites, as well as regular contact with the industry and passenger (incl. PRM) organisations.

The Regulation addresses these issues as described in more detail in Table 1. It summarises the structure of the Regulation, the subject of its articles, the types of service to which it applies and the possibility of exemptions. Core passenger rights are marked in bold. See further explanations in Sections 3.1 and 3.3.

Table 1: Content of Regulation (EU) No 181/2011, applicability and possibility of exemptions

Chapter			Subject of articles	Applicability	Possibility of exemptions
I	General provisions	1	Subject matter		
		2	Scope		
		3	Definitions		
		4(1)	Carriers shall issue a ticket to the passenger. A ticket may be issued in electronic format.	– Services 250 km or more – Occasional services	– Domestic regular services – Services of which a significant part is operated outside the EU
		4(2)	**Contracts and tariffs may not discriminate based on the nationality or place of establishment of the carrier/ticket vendor.**	– Services 250 km or more – Services below 250 km – Occasional services	– Services of which a significant part is operated outside the EU

Chapter			Subject of articles	Applicability	Possibility of exemptions
		5	The carrier/travel agent/tour operator is liable for the acts and omissions of the performing party (other carrier, ticket vendor etc.)	– Services 250 km or more – Occasional services	– Domestic regular services – Services of which a significant part is operated outside the EU
		6	Obligations to passengers shall not be limited or waived.	– Services 250 km or more – Occasional services	– Domestic regular services – Services of which a significant part is operated outside the EU
II	Compensation and assistance	7	Compensation for death, personal injury, loss of or damage to luggage due to accidents.	– Services 250 km or more – Occasional services	– Domestic regular services – Services of which a significant part is operated outside the EU
		8	In case of an accident, the carrier shall provide proportionate assistance related to passengers' immediate practical needs.	– Services 250 km or more – Occasional services	– Domestic regular services – Services of which a significant part is operated outside the EU
III	Rights of persons with disability and Persons with reduced mobility or disability (PRMs)	9	**Right to transport: A reservation, provision of a ticket or taking on board may not be refused or subject to additional cost.**	– Services 250 km or more – Services below 250 km	– Services of which a significant part is operated outside the EU
		10(1)	**Right to transport may be refused if necessary to meet safety requirements or the design of the vehicle or the infrastructure makes it physically impossible.**	– Services 250 km or more – Services below 250 km	– Services of which a significant part is operated outside the EU
		10(2)	In case of refusal, carriers, travel agents and tour operators shall inform the person concerned about any acceptable alternative services operated by the carrier.	– Services 250 km or more	– Domestic regular services if the level of protection in national law is at least as high – Services of which a significant part is operated outside the EU
		10(3)	In case of refusal, the person concerned shall be offered the choice between reimbursement, continuation of the journey or re-routing.	– Services 250 km or more	– Domestic regular services if the level of protection in national law is at least as high – Services of which a significant part is operated outside the EU

Chapter		Subject of articles	Applicability	Possibility of exemptions
	10(4)	In case of refusal, the person concerned may request to be accompanied by another person, who shall be transported free of charge.	– Services 250 km or more	– Domestic regular services if the level of protection in national law is at least as high – Services of which a significant part is operated outside the EU
	10(5)	In case of refusal, the person concerned shall immediately be informed of its reasons and, upon request, in writing within 5 working days.	– Services 250 km or more	– Domestic regular services if the level of protection in national law is at least as high – Services of which a significant part is operated outside the EU
	11	Non-discriminatory access conditions for transport shall be established, made available and physically distributed at the request of the passenger.	– Services 250 km or more	– Domestic regular services if the level of protection in national law is at least as high – Services of which a significant part is operated outside the EU
	12	Member States shall designate bus and coach terminals where assistance for disabled persons and persons with reduced mobility shall be provided.	– Services 250 km or more	– Domestic regular services if the level of protection in national law is at least as high – Services of which a significant part is operated outside the EU
	13	Carriers and terminal managing bodies shall provide assistance free of charge at designated terminals, as well as carriers shall provide it on board buses and coaches.	– Services 250 km or more	– Domestic regular services if the level of protection in national law is at least as high – Services of which a significant part is operated outside the EU
	14	Carriers and terminal managing bodies shall cooperate to provide assistance, if the request is notified in advance and the person presents herself on time.	– Services 250 km or more	– Domestic regular services if the level of protection in national law is at least as high – Services of which a significant part is operated outside the EU

Chapter			Subject of articles	Applicability	Possibility of exemptions
		15	If travel agents or tour operators receive a notification, the information shall be transferred to the carrier or terminal managing body as soon as possible.	– Services 250 km or more	– Domestic regular services if the level of protection in national law is at least as high – Services of which a significant part is operated outside the EU
		16(1) a	Carriers or terminal managing bodies shall establish disability-related training procedures, including instructions, for their personnel other than drivers.	– Services 250 km or more	– Domestic regular services if the level of protection in national law is at least as high – Services of which a significant part is operated outside the EU
		16(1) b	**Carriers or managing bodies shall establish disability-related training procedures, including instructions, for drivers.**	– Services 250 km or more – Services below 250 km	– Services of which a significant part is operated outside the EU – Exemption from training for a maximum period of 5 years
		16(2)	**Exemption from the application of Article 16(1)b.**		
		17(1) and (2)	**Compensation for loss of or damage to mobility equipment equal to the cost of its replacement or repair.**	– Services 250 km or more – Services below 250 km – Occasional services	– Services of which a significant part is operated outside the EU
		17(3)	Every effort shall be undertaken to rapidly provide temporary replacement equipment or devices, with similar technical and functional features.	– Services 250 km or more	– Domestic regular services if the level of protection in national law is at least as high – Services of which a significant part is operated outside the EU
		18	Exemptions from Chapter III		
IV	Passenger rights in the event of cancellation or delay	19	Where a service is expected to be cancelled or delayed for more than 120 minutes or in the case of overbooking, the passenger shall immediately be offered the choice between reimbursement, continuation or re-routing.	– Services 250 km or more	– Domestic regular services – Services of which a significant part is operated outside the EU

Chapter			Subject of articles	Applicability	Possibility of exemptions
		20	In the event of cancellation or delay in departure of a regular service, passengers shall be informed of the situation as soon as possible and in any event no later than 30 minutes.	– Services 250 km or more	– Domestic regular services – Services of which a significant part is operated outside the EU
		21	In case of cancellation or delay, the carrier shall offer the passenger free of charge snacks, meals or refreshments and accommodation.	– Services 250 km or more	– Domestic regular services – Services of which a significant part is operated outside the EU
		22	Passengers may seek damages before national courts as to the loss resulting from cancellation or delay.	– Services 250 km or more	– Domestic regular services – Services of which a significant part is operated outside the EU
		23	Exemptions for open tickets and cancellations and delays caused by weather or natural disasters.		
V	General rules on information and complaints	24	**Passengers shall be provided with adequate information throughout the travel.**	– Services 250 km or more – Services below 250 km	– Services of which a significant part is operated outside the EU
		25	**Passengers shall be provided with information regarding their rights at the latest on departure.**	– Services 250 km or more – Services below 250 km	– Services of which a significant part is operated outside the EU
		26	**Carriers shall set up or have in place a complaint handling mechanism.**	– Services 250 km or more – Services below 250 km	– Services of which a significant part is operated outside the EU
		27	**A passenger shall submit a complaint within 3 months, and receive the reply within 3 months.**	– Services 250 km or more – Services below 250 km	– Services of which a significant part is operated outside the EU
VI	Enforcement and national enforcement bodies (NEBs)	28	**Provisions on national enforcement bodies. A passenger may submit a complaint to the NEB or other appropriate designated body.**	– Services 250 km or more – Services below 250 km	– Services of which a significant part is operated outside the EU
		29	Report on enforcement		
		30	Cooperation between NEBs		
		31	Penalties		
V	Final	32	Report		

Chapter			Subject of articles	Applicability	Possibility of exemptions
II	provisions	33	Amend Regulation 2006/2004		
		34	Entry into force		

Source: Regulation (EU) No 181/2011, analysis based on Support study, Table 1.6.

2.3. Baseline and points of comparison

The purpose of the analysis of the evaluation baseline was to model and analyse the impact of policy changes brought by the Regulation. As such, it captures how bus and coach passenger rights and the industry would have evolved, had the Regulation not been adopted. The analysis aims at capturing the change that the intervention of the Regulation has brought over time, by comparing the actual recorded performance against a potential scenario that would have happened without policy intervention.

As explained in the support study,[43] in order to evaluate the situation before and after the introduction of the Regulation, data was collected for the 2010-2018 period. Where data extending before 2010 was readily available from the same sources, it was also collated. Data for 2019 had not been published by all sources, thus 2018 was selected as the final year in the baseline to ensure that all Member States are represented equally. This is also a very relevant year as the first period for exemptions expired in 2017.[44] This assessment only focuses on the impact of the Regulation from when it started to apply until the start of the support study (February 2020).

The reference year is 2013 for the Regulation, as it started to apply then. To show "from 2013 until today what the situation would have been, had the Regulation or any other EU-level legislation not been implemented", the following elements were considered:

(1) the situation regarding passenger rights in 2013 in the EU+4, i.e. the 27 Member States, as well as Iceland, Switzerland, Norway and the UK, for passengers within the scope of the Regulation;
(2) the assumption that the legal framework in each Member State would have remained intact if the Regulation had not been in place; and
(3) the application of consumer law in each Member State.

The situation before the introduction of the Regulation was analysed. Only a small number of Member States had some kind of bus and coach passenger and PRM rights legislation before the introduction of the Regulation and, among other assumptions, it was assumed that the resulting level of passenger rights in each Member State would have been constant in the no policy intervention scenario, i.e. the framework in each Member State would have remained intact if the Regulation had not been in place. Section 5.5 on EU added value provides further insights on whether the needs that drove the intervention would remain without the current EU framework (see Table 5).

[43] See detailed explanations in Appendix F of the support study.
[44] See under Section 3.3 on Member Sates' exemptions.

The situation across both scenarios –with and without policy intervention- between 2011 and 2018 was then evaluated. More information on the methodology is provided in Chapter 4.

3. IMPLEMENTATION / STATE OF PLAY

3.1. Description of the current situation

As introduced above, the Regulation is expected to have led to an increased level of protection for passengers when travelling by bus or coach. However, as shown in Chapter 5, there remain obstacles to ensuring an equivalent level of protection while the criterion of the length of services (250 km or more or below 250km), which is explained in Section 2.2, has considerably restricted the implementation of extended rights to a small group of bus and coach passengers.

In bus and coach transport, passenger rights are protected by different pieces of legislation, including:

- Passenger rights legislation, including Regulation (EU) No 181/2011 concerning the right of passengers when travelling by bus and coach (see above);
- Other rights stemming from transport related regulations, including Regulation (EC) No 661/2009,[45] which sets out technical requirements for buses with a capacity exceeding 22 passengers in addition to the driver, while establishing that these vehicles shall be accessible for PRM, including wheelchair users;[46]
- Consumer rights in the broader perspective, distinguishing between instruments regulating substantive rights, including in particular Directive 2015/2032/EU (the "Package Travel Directive") applicable where carriage of passengers by bus/coach is combined with other travel services, and enforcement mechanisms, set out in Regulation (EU) No 2017/2394 on Consumer Protection Cooperation (CPC) which has applied since January 2020, repealing Regulation (EC) No 2006/2004 on enforcement of consumer protection laws.

In addition, bus and coach passenger rights legislation interfaces with horizontal consumer protection rules or schemes such as Alternative Dispute Resolution (ADR) bodies, Online Dispute Resolution (ODR) bodies and European Consumer Centres (ECCs).[47]

[45] Regulation (EC) No 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor (OJ L 200, 31.7.2009, p. 1-24).

[46] See Article 7(4), Regulation (EC) No 661/2009.

[47] See https://ec.europa.eu/info/live-work-travel-eu/consumer-rights-and-complaints/resolve-your-consumer-complaint/alternative-dispute-resolution-consumers_en and https://ec.europa.eu/info/live-work-travel-eu/consumer-rights-and-complaints/resolve-your-consumer-complaint/european-consumer-centres-network-ecc-net_en.

In 2016, pursuant to Article 32 of the Regulation, the Commission reported to the European Parliament and the Council on the operation and effects of the Regulation.[48] In this report, the Commission did not identify evidence supporting any amendment of the Regulation's provisions. The report identified some issues and put forward a list of non-legislative initiatives to improve the application and enforcement of the Regulation.

In this context, the Commission decided to take the following measures: (1) actions to raise awareness of passengers' rights and operators' obligations, (2) actions to improve enforcement through regular contacts with NEBs and monitoring of their activities, and (3) actions to ensure the uniform application of the Regulation, including by providing non-binding guidance and clarifications during the annual EU-level meetings with NEBs and stakeholders, and through written correspondence.

Regarding the awareness of passengers' rights, the Commission started carrying out information campaigns aimed at raising awareness among citizens in 2009. The first campaign (2010-2012) was organised for air and rail passenger rights, while a second one launched in 2013 concerned all modes. Online communication campaigns (online advertising) have proven the most cost-effective means during the last years (campaigns in 2016-2017, 2019, 2020 and 2021), which was reflected in a steep increase of visits of the relevant Your Europe passenger rights webpages.[49]

The Commission also regularly conducts Eurobarometer surveys on passenger rights. The results of the latest survey[50] showed that nearly one third only (32% of respondents) of EU citizens are aware of the existence of EU passenger rights, while 39% of actual bus and coach passengers are aware of EU passenger rights, which is lower than in other modes (49% in air, 43% in rail and 45% in waterborne).

The Commission holds regular meetings with the NEBs to exchange experiences and clarify the interpretation of the Regulation. The main points of discussion concerned: the state of play with the enforcement and legal interpretation of the Regulation, including on issues of the 250km threshold, the proof of PRM awareness training, and the definition of terminals. Other issues of attention included: addressing the low awareness of passengers about their rights, improving the processing of complaints through a new standard complaint form, having a common approach in dealing with pan-European carriers and supporting the NEB-NEB cooperation further.

In 2019, the Commission published a second report to the European Parliament and the Council[51] concluding that, since 2017, fewer Member States granted exemptions under the Regulation concerning the rights of passengers in bus and coach transport, but those exemptions still deprived many passengers of the full enjoyment of their rights.

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[48] COM(2016) 619 final.

[49] See https://europa.eu/youreurope/citizens/travel/passenger-rights/index_en.htm and its content pages on Air passenger rights, Rail passenger rights, Bus and coach passenger rights, Ship passenger rights, and https://europa.eu/youreurope/citizens/travel/transport-disability/reduced-mobility/index_en.htm.

[50] Special Eurobarometer 485 on Passenger Rights (survey carried out in the EU28, incl. the UK, in February/March 2019) https://ec.europa.eu/commission/presscorner/detail/en/ip_19_6814; Eurobarometer on passenger rights awareness (December 2014).

[51] Report from the Commission to the European Parliament and the Council on the exemptions granted by Member States under Regulation (EU) No 181/2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004, COM(2019)179 final.

In the context of COVID-19[52], the Commission published Interpretative Guidelines on the passenger rights Regulations[53] and a Recommendation on vouchers.[54] It also updated the websites of Your Europe[55] and added information on the Coronavirus Response website.[56]

In July 2020, the Commission launched infringement proceedings against two Member States for failure to comply with EU rules protecting passenger rights but only in one Member State bus and coach passenger rights were concerned. The procedure has been closed in October 2020 because the Member State concerned amended its law.[57]

In August 2020, the Commission started informal dialogues via EU Pilot[58] with all Member States and the United Kingdom regarding the application of passenger rights in all modes of transport including bus and coach in the context of COVID-19 and the obligations of NEBs to report on their activities. These dialogues are still ongoing.

3.2. Member States implementation and monitoring

The choice to intervene at EU level in this policy area through a Regulation had a direct impact on the extent of the implementation obligations for Member States. Member States are required, under Article 28(1) of the Regulation, to designate or establish one or more national enforcement bodies (NEBs). Pursuant to Article 31, Member States have to lay down rules on penalties that have to be effective, proportionate and dissuasive, in view of addressing infringements of the provisions of the Regulation.

Member States are required to inform the Commission of the body or bodies designated in line with Article 28(2) of Regulation (EU) No 181/2011 and the most recent list was published based on this information by the Commission in November 2021, when it included the 27 EU Member States, Iceland, Norway, Switzerland and the UK.[59] It could be highlighted in particular that:

- In total 98 NEBs were notified to the Commission.

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[52] See the EMSA Report of 2021, EMSA-Impact-Of-Covid-19-On-The-Maritime-Sector-In-The-EU-2021_06.pdf (safety4sea.com).

[53] Commission Notice Interpretative Guidelines on EU passenger rights regulations in the context of the developing situation with Covid-19 - 2020/C 89 I/01 (OJ C 89I, 18.3.2020, p. 1-8).

[54] Commission Recommendation (EU) 2020/648 of 13 May 2020 on vouchers offered to passengers and travellers as an alternative to reimbursement for cancelled package travel and transport services in the context of the COVID-19 pandemic C/2020/3125, OJ L 151, 14.5.2020, p. 10–16, http://data.europa.eu/eli/reco/2020/648/oj

[55] https://europa.eu/youreurope/index_en.htm.

[56] https://ec.europa.eu/info/live-work-travel-eu/coronavirus-response_en

[57] Letter of formal notice: Infringement decisions of 2 July 2020, INFR(2020)1212. See https://ec.europa.eu/commission/presscorner/detail/en/inf_20_1212. On 1 October 2020, it was decided to close the infringement procedure against Italy.

[58] EU Pilot is a procedure for cooperation between the Commission and the Member States on issues related to potential non-compliance with EU law.

[59] https://transport.ec.europa.eu/document/download/46c02909-95c7-4bdf-a571-29f3b7694356_en The following link includes regularly updated list of NEBs: https://transport.ec.europa.eu/document/download/46c02909-95c7-4bdf-a571-29f3b7694356

- Most States have a single national NEB for all bus and coach services, while some have designated more than one NEB, at the national, regional and local level or dealing with international/domestic affairs: e.g. there are two or three responsible bodies in Belgium, Denmark, Finland and Sweden, but ten regional bodies in Czechia, sixteen in Poland and nineteen in Spain, combined with a national body.

- Many NEBs are bodies performing NEB functions for bus and coach passengers exclusively; nevertheless, in 17 States, the NEB for the Regulation is also the NEB for one or several other modes of transport (Austria, Bulgaria, Croatia, Cyprus, Denmark, Estonia, France, Germany, Hungary, Iceland, Ireland, Italy, Lithuania, Malta, Netherlands, Portugal, Switzerland).

- Most NEBs for the Regulation are transport or road authorities, meaning that they would have the required expertise to make technical judgements on bus and coach passenger rights and to challenge technical justifications given by bus and coach operators. In seven Member States (Estonia, France, Finland, Luxembourg,[60] Malta, Slovakia and Sweden), NEBs for the Regulation are a consumer protection authority.

- Few NEBs for the Regulation also act as an ADR (Austria, Croatia, Estonia, Finland and Slovakia).

The Regulation requires that passengers have the possibility to submit complaints to a NEB or to another body designated by a Member State, although Member States may require that the passenger must, as a first step, submit the complaint to the carrier. This means that the role of complaint handling may be performed by the carrier, a NEB, a dedicated complaint-handling body, a body providing alternative dispute resolution (ADR), or any other body.

Complaint handling

Passenger rights, including their application and enforcement, are specific to each mode of transport separately, meaning that when a passenger faces a disruption in one mode while travelling multimodal, they can only turn to the competent NEB for that mode, while the latter would not be in a position to deal with the possible consequences of this disruption onto subsequent legs in other modes. As shown in a recent study[61], when travelling in a multimodal context, passengers may not fully exercise their rights throughout their journey (in particular when changing modes).

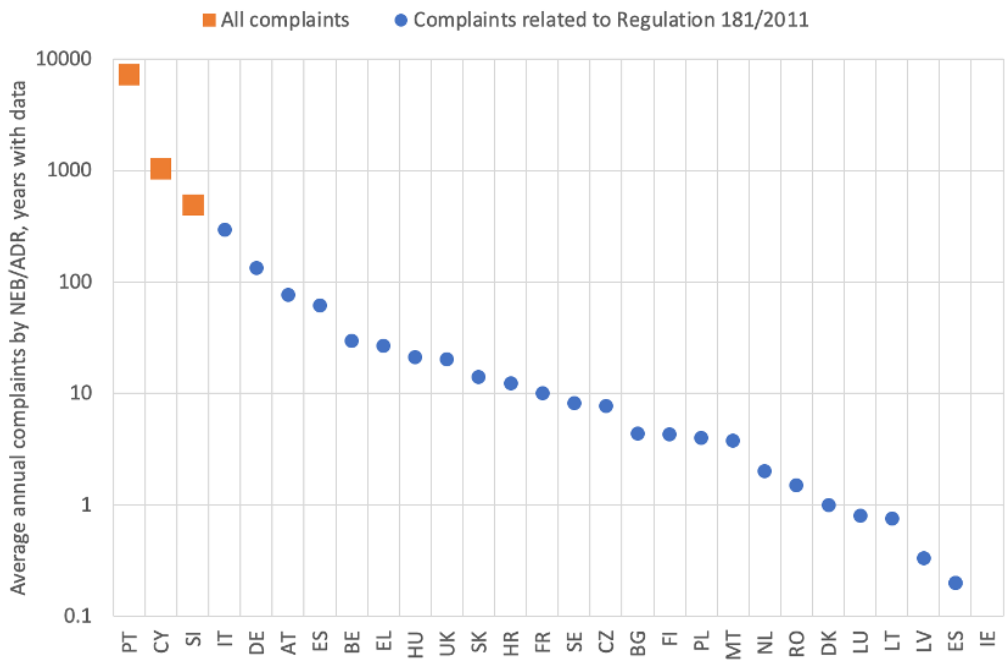
NEBs competent for bus and coach deal with varying numbers of complaints. In general, these numbers are very low. Figure 1 shows the average number of complaints reported

[60] The Commission was informed in October 2021 that the Bus and Coach NEB of Luxembourg has moved from a mode-specific body to a consumer protection body, which demonstrates that adjustments in the organisation of enforcement bodies in the Member States are still possible and/or required.

[61] Exploratory study on passenger rights in the multimodal context (EY, 2019), https://publications.europa.eu/en/publication-detail/-/publication/f176da6f-d9ca-11e9-9c4e-01aa75ed71a1.

by NEBs over the period 2015-2019. The average number of complaints related to the Regulation varied from almost 300 in Italy to none in Ireland, on a yearly basis.

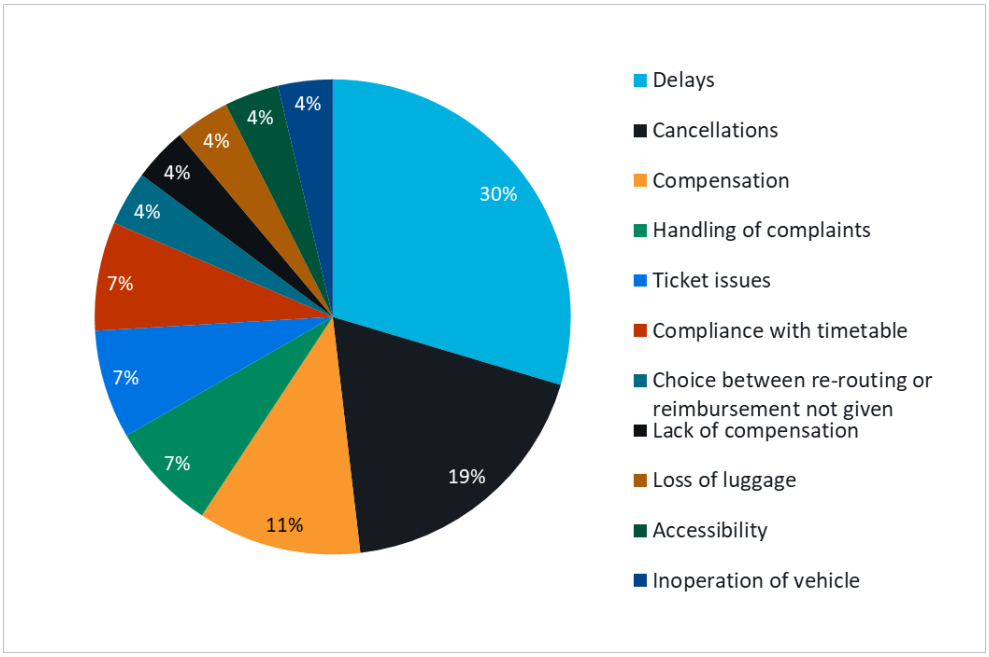
Figure 1: NEB reports of complaints 2015-2019, in years provided, by NEB



Source: NEBs providing data for at least one year 2015 to 2019, Support study, Para. 3.29, Figure 3.2.
Note: Logarithmic scale. The high numbers reported in Portugal, Cyprus and Slovenia include complaints related to passenger rights in all modes of transport, rather than only those specifically related to bus and coach.

As presented in Figure 2, the complaints submitted concern primarily delays (30%), cancellations (19%), compensation issues (11%), followed by handling of complaints, ticket issues and compliance with timetable (7% each).

Figure 2: Nature of complaints received by NEBs



Source: Support study, Para. 3.33, Figure 3.4.

The multi-layer character of enforcement, as well as arrangements as to whether or not the carrier must be contacted before the NEB is seized, may be confusing for some stakeholders and passengers in particular. However, the overall number of complaints appears to be growing, but is still rather low (in 2018, NEBs received 1.5 complaints per million of bus and coach journeys as explained in Section 5.2.1 (*f*) below), which might be due to an increase in the number of passengers travelling, more breaches of the Regulation, better awareness of the right to complain, or more willingness to do so. The exact reasons are impossible to identify due to limited data available, in particular as regards the motivation for a passenger decision to/not to complain.

There has been no emergence of claim agencies to handle complaints from passengers against bus and coach companies on the basis of the Regulation, contrary to what has been observed for instance in air transport.

Monitoring

Article 28(1) of the Regulation sets a general obligation upon the NEBs to take the measures necessary to ensure compliance with the Regulation. The Regulation offers flexibility in the way the NEBs would take action and how they would perform their monitoring of the implementation of the rules by carriers and/or infrastructure managers in practice.

In concrete terms, and in addition to the handling of complaints submitted by passengers, some NEBs are used to performing a wide range of monitoring activities such as in-depth audits, targeted inspections, either on the ground at terminals/stations or at the carriers' headquarters. Some NEBs take a proactive approach to the protection of passenger rights and the monitoring of how the Regulation is applied, while others do little beyond complaints handling.[62] This confirms the observations of the Commission made in the report of 2016.[63] It is worth recalling that, in the context of the support study, the NEBs have provided information about their monitoring activities for the period 2013-2019, as summarised in Table A6.3 in Annex 6.

Some NEBs perform monitoring activities such as checks of the carriers' websites to verify that information to users comply with the rules and provide adequate and correct information on passenger rights and on complaints handling. Some also engage in regular or punctual dialogues with carriers (either oral or in writing) to verify whether and how passenger rights are implemented. Passengers' and consumers' stakeholders representatives are also consulted to complement data available and enlarge the limited sample of complaints they have directly received from passengers. A key issue is then whether NEBs have sufficient resources (human and financial) to perform the monitoring task adequately. Based on their monitoring activities, the NEBs are supposed to be able to identify carriers' recurrent non-compliance with the applicable rules and to take the necessary measures ensuring compliance with the Regulation, as appropriate.

[62] Support study Para. 3.39 and see examples in support study's Appendix D.
[63] COM(2016) 619 final, p. 10.

Penalties

Only a small proportion of NEBs have issued sanctions, also referred to as penalties, in the sense of Article 31, which have generally been infrequent and of low value.

Court proceedings

No significant volume of litigation before national courts based on the Regulation has been noted. Moreover, there have been no national courts or tribunals asking the Court of Justice of the EU (CJEU) to give a preliminary ruling, asking to clarify any provisions of the Regulation.

However, the CJEU delivered its judgment on 2 September 2021 in Case C-570/19 Irish Ferries[64], which is the first ever preliminary ruling on the interpretation of Regulation (EU) No 1177/2010 concerning the rights of passengers when travelling by sea and inland waterway. Despite the fact that it concerns travelling by sea and inland waterway and not bus and coach, it may as well have relevance for the interpretation of certain provisions of Regulation (EU) No 181/2011. For instance, the CJEU ruled that a situation of late delivery of a passenger transport vehicle which led to the cancellation does not fall within the concept of 'extraordinary circumstances' or that the rights of re-routing and compensation apply also in case a carrier cancels a passenger service giving several weeks' notice prior to the originally scheduled departure due to late delivery of a transport vehicle.

3.3. Member States' exemptions

The Regulation provides for the possibility for Member States to use four types of exemptions from application of its provisions:

- Exemption from application of provisions related to the rights of PRM, provided that Member States ensure that the level of their protection under national rules is at least the same as under the Regulation. This exemption has no time-limit (Article 18(1)).

- Exemption from application of provisions other than "basic" rights, on a transparent and non-discriminatory basis, to domestic regular services, which may be granted for 4 years, renewable once (Article 2(4)).

- Exemption from application of the Regulation to particular regular services of which a significant part, including at least one scheduled stop, is operated outside the Union (Article 2(5)). The exemption may be granted for 4 years, renewable once.

- Exemption from the application of the provision on disability-related training for driver, for a maximum period of 5 years (Article 16(2)).

The only type of services on which passengers benefit from all "basic" and "extended" rights have been, since the Regulation came into force, all regular intra-EU cross border services and, since 1 March 2021, also all domestic services, of 250 kilometres or more.

[64] Case C-570/19: Reference for a preliminary ruling from High Court (Ireland) made on 26 July 2019 — Irish Ferries Ltd v National Transport Authority, ECLI:EU:C:2021:664.

The Regulation provided for the option of exemptions for domestic regular services and particular regular services of which a significant part is operated outside the EU for a period of 4 years (until 28 February 2017), renewable once. In other words, as of 2018 until the end of February 2021, only 7.4% of passengers were in scope for the full benefits of the Regulation (including rights in the event of cancellation or delay, compensation and assistance in the event on an accident, and additional rights to assistance for PRM), while the remaining 92.6% only received limited protection encompassing simply non-discriminatory contract conditions, right to information and right to transport for PRM.[65] Passengers on occasional services also face significant issues as they are in scope, but there are no provisions for the enforcement of their rights.[66]

The actual use of exemptions by national authorities is presented in Table 2.

Table 2. The use of exemptions by countries.

Article 18(1) – Provisions on PRM protection	Article 2(4) - Domestic regular services		Article 2(5) - Services of which a significant part is operated outside the EU		Article 16(2) - Exemption from disability-related training for drivers
	Expired 2017	Expired 2021	Expired 2017	Expired 2021	Expired 2018
Not used by any country	CZ, EL, FR, NL, RO	EE, HR, LV, HU, PT, SI, SK, UK	DE, FR, IT, NL, AT	EE, EL, HR, LV, HU, SI, SK, FI, UK	some MS made use of it[67]

Source: Commission analysis based on support study, Para. 3.47, Table 3.5.

It should be noted that, even if exemptions were used by some countries, their time-limit expired at the latest in March 2021. Consequently, while the use of exemptions is useful for further analysis of the effectiveness of the Regulation, it shall be borne in mind that none of them are applicable anymore. There was one condition to the possibility of exemptions, namely, PRM rights, for which Member States had to ensure under their national rules at least the same level of protection.

Figure 3 shows the impact of the exemptions adopted by Member States on the level of protection guaranteed to those passengers who experienced delays of more than 90 minutes on departure,[68] taking into account the time-limit of 4 years, renewable once. As data illustrate, in 2013 about 50% of the affected passengers were eligible to receive assistance, while in 2018 the rate increased to 95%. This peak may reflect an extended coverage to more passengers resulting from the removal of the exemptions under Articles 2(4) and 2(5) registered in some Member States in 2018.

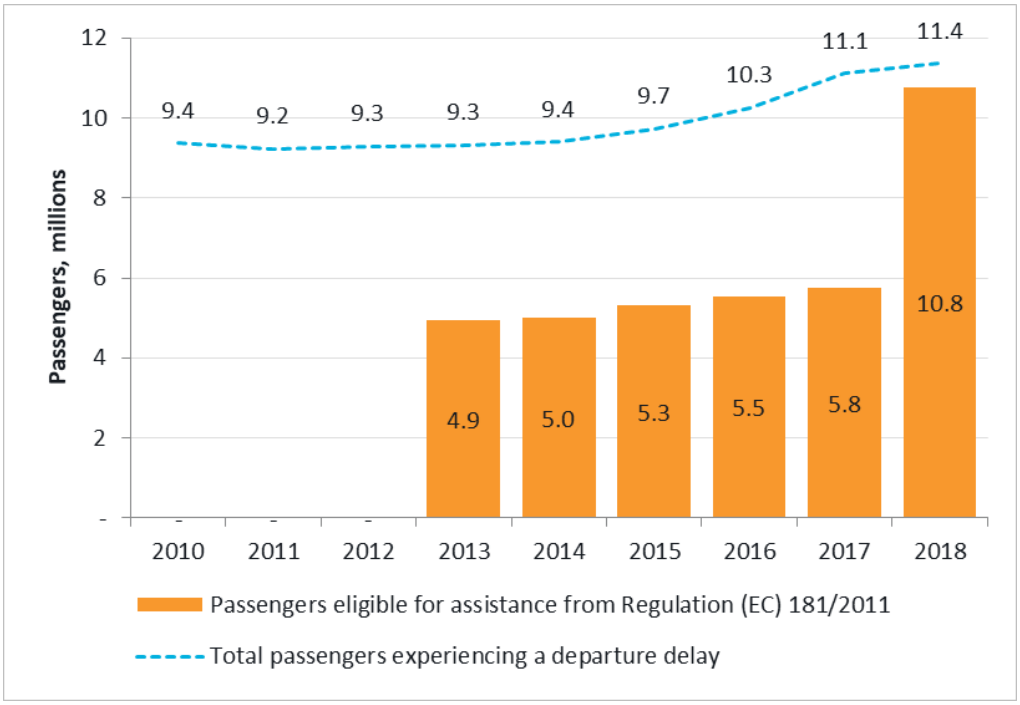
[65] Support study, Para. 4.6.

[66] See conclusions on the evaluation questions (Effectiveness) of the support study.

[67] The Commission does not have data from all countries, but some reported to have made use of the exemption as for example Germany and Finland.

[68] According to Article 21 of the Regulation, passengers are entitled to receive assistance in case of cancellation or delayed departures of more than 90 minutes for journeys of a scheduled duration of more than 3 hours.

Figure 3: Passengers protected from delays of more than one and a half hours – EU+4



Source: Support study, Para. 3.49, Figure 3.5.

3.4. Major recent developments

As mentioned above, since the Regulation started to apply from 1 March 2013, there have been a number of changes to the EU bus and coach market with potential implications for passengers' needs. In addition to the liberalisation of domestic markets in large Member States and a significant increase in passenger traffic, accompanied by a relatively rapid consolidation of carriers and emerging pan-European carriers, such as FlixBus and Blablacar, along with the increasing digitalisation in the sector, the carriers sell almost all tickets and provide almost all information online or via an app, rather than at terminals.

FlixBus, for instance, was founded in Germany in 2011, supported by further liberalisation of passenger transport by bus and coach in the EU.[69] It has since become - at least before the COVID-19 pandemic - the dominant operator across Europe. The business model adopted, i.e. the 'platform' carrier, has clear implications for passengers. Under this model, platform carriers act as the coach companies offering the service, while the service is in fact operated in cooperation with 'bus partners', which are subcontractors. These local bus operators employ the drivers, own the vehicles and operate the routes, whereas the 'platform' carriers sell the tickets and provide almost all information online, or via an app, rather than at terminals. The 'platform carriers' are able to provide a standardised range of services and information to customers at relatively low cost, reducing the demand for higher-cost channels such as ticket offices and information desks, telephone book, help and complaint lines, and information screens and announcements for real-time information. In addition, platform carriers such

[69] See Support study, Appendix C.

as FlixBus appear to accept the reponsibility in relation to passenger rights where services have been carried out by their bus partners.[70]

This trend towards increasing digitalisation and greater use of online and app-based services by consumers reflects global developments in information and communication technology affecting the EU economy as a whole. In many industries, including the bus and coach market, digitalisation has improved services for the majority of passengers but has resulted in the exclusion of a minority who have no access to new technologies or for which the digital information is not provided in an accessible format. This was confirmed by many stakeholders, including operators, NEBs and passenger groups.

Furthermore, the unexpected outbreak of COVID-19 caused disruptions in traffic and made the health aspects of travel much more important for passengers. It also forced national authorities to take swift action with regard to the provision of information to passengers and ensuring effective reimbursements via the NEBs.

4. METHODOLOGY

4.1. Short description of methodology

The evaluation of the Regulation started in 2019 with the publication of the roadmap[71] on 11 July 2019 and was overseen by an Inter-service Steering Group (see details in Annex 1). It builds on the outcome of a public consultation conducted from 3 July 2020 to 23 October 2020[72] and, to a large extent, the support study carried out by an external contractor for the Commission between February 2020 and July 2021.

The support study relied on a combination of sources and methods, including desk research and extensive stakeholder consultation. Its findings and their analysis cover the period from 1 March 2013 until February 2020. The results of this support study therefore do not specifically consider the impact of COVID-19. Nevertheless, where information has been collected and was assessed relevant on this topic, it has been included.

The study findings are supplemented by additional information gathered by the Commission during its monitoring of the Regulation's implementation across Member States, from the bi-annual reports received from the NEBs, from issues raised by NEBs at the Commission's annual expert group meetings or at various meetings with stakeholders, in Brussels or during missions in Member States, as well as from individual complaints received from citizens.

This evaluation is also based on the collection and detailed analysis of published pan-European data and information from stakeholders and other industry sources over a two-year period.

[70] Support Study, Para. C.163.

[71] https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/11879-Bus-&-coach-transport-passenger-rights-evaluation-_en

[72] https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/11879-Evaluation-of-rights-of-passengers-in-bus-and-coach-transport-in-the-EU/public-consultation_en

The support study referred to above was based on the analysis of the results of the 16-week-long public consultation and the targeted stakeholders consultation. In total, 28 interviews (including 4 pilot interviews) were performed and 87 stakeholders replied to the survey (out of the 270 stakeholders who were contacted) and 29 selected stakeholders attended the participatory workshop. In addition, the support study relied on desktop research to identify and collect up-to-date information on experience of the legislation and three case studies (addressing the following topics: re-routing of bus and coach passengers facing disruption; provision of information to passengers in the event of disruption of bus and coach services; and the rights of passengers when the ticket was issued by a party other than that operating the service). In the context of the support study, country fiches were developed for all EU+4 countries within the scope of the support study. The evaluation included a baseline position representing the situation that would have been observed if the legislation had not been adopted, as a basis for quantifying the impact of the Regulation, along with a cost-benefit analysis.

The stakeholder consultation targeted the following six stakeholder groups: passenger organisations and representatives of persons with disabilities, NEBs, bus and coach carriers and their associations, terminal management bodies and their associations, ADR bodies and ECCs, and other relevant industry associations (e.g. travel agents).

An overview of the stakeholders' engagement is presented by stakeholder group in Figure A2.1, in Annex 2.

Relying on the defined baseline (see Section 2.3), a cost-benefit assessment was carried out to estimate the costs and benefits accrued as a result of the Regulation. The targeted questionnaires formed a good basis for the collection of information for this task, supplemented by estimations where necessary to fill the gaps. The methodology that was applied for this assessment is the Standard Cost Model (SCM), which allowed to address the costs of the Regulation for Member States (especially NEBs), industry stakeholders and passengers, including PRM. It allowed for the quantification of actual costs (i.e. financial or monetised time costs) resulting from the requirements of the Regulation. The outcome of the cost-benefit analysis is further developed in Annex 5.

The SCM was originally designed for the assessment of the administrative burdens of competent authorities, individuals and organisations. However, the following features were used to reinforce and complete the approach chosen:

- Estimation of benefits derived in better quality of travel for bus and coach passengers;
- Administrative burdens are estimated based on the assumption that legislation is 100% complied with, though, in practice, not all businesses comply (fully) with all of the legislation. While this assumption has been held for the great majority of information obligations, whenever there was certainty that a specific information requirement was not met, it was not considered.

4.2. Limitations and robustness of findings

Whilst a range of stakeholders (including consumer organisations, carriers, terminals and NEBs) recognised the importance of the rights for passengers when travelling by bus and

coach, there is relatively little analysis of related issues in publicly available literature. In particular, there is little accurate and up-to-date information on the overall size of the market covered by the Regulation,[73] the number and profile of passengers benefitting from it. There is also no systematic recording of the number and nature of complaints received by carriers, and data regarding enforcement actions and sanctions remains limited too. Consequently, it is difficult to quantify the benefits of the Regulation with any precision, although costs and benefits have been quantified where possible. This is an important limitation of the analysis.

During the evaluation, input from a range of stakeholders was gathered, including from NEBs, in addition to the information collected from their biennial reports, major European carriers groups and bus and coach carriers, together with data from recognised industry sources. Access to these sources allowed to collate a balanced set of inputs on which to base the analysis and conclusions presented in the evaluation report.

Appropriate assumptions, based on information provided during the stakeholder consultation and from various industry sources, were used to make up for a relatively low availability of data. When data directly related to the bus and coach industry were not sufficient to build these assumptions, e.g. as no consistent dataset containing all long-distance bus passengers in Europe was available, passenger data was sourced from national statistics in the first instance, with many publishing datasets stating the number of 'long distance' bus passengers travelling in and from each country; on PRM, more robust data from the support study to the *ex-post* evaluation of Regulation (EC) No 1107/2006 was incorporated.

5. ANALYSIS AND ANSWERS TO THE EVALUATION QUESTIONS

This chapter presents the findings as to whether the Regulation has delivered the expected benefits at a proportionate cost. The Regulation is evaluated against the five key criteria of effectiveness, efficiency, relevance, coherence and EU added value.

5.1. Effectiveness

Evaluation questions

5.1.1. What progress has been made towards the general objective of ensuring an equivalent level of protection to passengers travelling by bus and coach transport throughout Member States?

Many stakeholders welcomed the existence of a consistent framework of rights across the EU. However, progress towards achievement of its objectives was slowed down because, until the end of February 2021, Member States could exempt a considerable part of the services from most of the rules of the Regulation, as outlined above.[74]

The number of Member States using exemptions has decreased over the years. Since 1 March 2021 the Regulation applies also to domestic services of 250 km and more.

[73] For 2018, the total passenger journeys in bus and coach over long-distance services was estimated to 2.8 billion, based on a number of assumptions, which are presented in Annex F "Evaluation baseline" of the support study.

[74] see above Section 3.3 on Member States' exemptions.

Passengers have now an equivalent level of protection to passengers travelling by bus and coach transport throughout Member States for domestic intra-EU services of 250 km and more.

On the other hand, some of the core passenger rights[75] have not been included in the Regulation. Passengers, in particular, have no right to compensation in case of delay in arrival. The Regulation defines a "delay" by reference to the time of departure, leaving aside delay en-route and on arrival. This has to do with the fact that drivers should not be incentivised to drive too fast, for obvious safety reasons. Other issues include the fact that some rights are not clearly defined (e.g. re-routing to other routes on competitor's services, right to information in the absence of an obligation to pass on contact details, etc.), or very limited (e.g. luggage liability).

5.1.2. What progress has been made towards the specific objectives of ensuring that:

a. passengers receive tickets and non-discriminatory contract conditions?

The right to non-discrimination related to contract conditions (Article 4) has benefited from the massive development of the use of online and app-based sales in the last decade.

Such a kind of overt discrimination has become rare,[76] but there are, however, some recent issues raised on different tariffs for citizens and for non-residents on local and bus services.[77]

Several stakeholders pointed out that discrimination was impossible if passengers booked on the website or via an app, because the process was wholly electronic and there was no basis on which to discriminate. A Spanish operator acknowledged that fares could vary by sales channel, but pointed out that multiple languages on many operator websites were a clear sign of intent not to discriminate and reduced the barriers to accessing services in other languages.

In addition, both carriers and terminal managing bodies, supported by associations representing PRMs, are required to establish, or have in place, non-discriminatory access conditions for the transport of PRMs (Article 11, see also paragraph *c* below).

b. passengers are protected in the event of an accident?

Accidents leading to injury or death remain extremely rare in the sector. Based on the limited evidence available,[78] it is not possible to conclude on the effectiveness of the Regulation on the appropriate protection of passengers in the event of an accident.

[75] See list of the ten core passenger rights presented in COM(2011) 898 final, pages 3 and 4.
[76] See support study Para. 3.3.
[77] Currently the Commission is investigating five complaints regarding higher tariffs on local and bus services for non-residents in comparison to citizens.
[78] According to the support study, accidents are extremely rare and stakeholders made few comments on this issue. See Paragraphs 3.5 and following, as well as Appendices F and H.

Stakeholders pointed out that, while Directive 2009/103/EC specified minimum levels of insurance cover, the Regulation specified minimum levels of compensation. Several NEBs noted their responsibility to ensure that cover was in place.

No cases of death or injury were mentioned, but a number of NEBs commented on baggage: in Austria, for instance, national law provides for a broad liability of the carrier for luggage, but only if the passenger has been issued a luggage receipt. Several stakeholders referred to the issue of passengers taking the wrong bags but did not explain how they were returned to their owner or what compensation, if any, was paid.

c. PRM have opportunities for bus and coach travel comparable to those of all other passengers?

Certain elements prevent the Regulation from reaching a high level of protection of PRM passengers, while their number has increased through the years (see Figure A6.1 in Annex 6), in particular from providing them with comparable travel opportunities.

The requirement to provide assistance to PRM passengers is limited only to terminals explicitly designated under Article 12. At the same time, while there may be over one million bus stops as a whole in the EU+4, only 250 terminals are currently designated.[79] In addition, their geographical distribution is not optimal, many Member States (e.g. Austria, Belgium, Denmark, the Netherlands) designating only a single terminal. The practical consequence is that protection provided for by the Regulation applies in a limited number of terminals, where facilities for PRMs do not always meet the standards, raising concerns for stakeholders. This situation has had a negative impact on the effectiveness of the Regulation as the level of accessibility and assistance provided to PRMs varies significantly depending on the facilities they use. It is very often impossible to make a journey on which assistance would be available at both ends.

It nevertheless appears that the Regulation relies on an unrealistic assumption that a network of designated terminals exists, offering facilities to support passengers seeking to exercise their rights. In reality, however, only a minority of them are appropriately equipped or have terminal managing bodies. For instance, many terminals, or even designated terminals, may not have any of the features that supposedly define them, such as a check-in counter or ticket office, except typically a waiting room. In addition, terminals with limited opening hours, or limited levels of staffing, do not provide a guarantee that all services will be available at least from before the first service each day until after the last one. This fact differentiates them from airport terminals, which provide better accessibility guarantees.

The right to information for PRM passengers also seems not be fully effective, as information concerning accessibility or possibility to be accompanied by an assistant or a guide dog is often difficult to find during the online booking. Another related issue is that of audio information at stops and on board buses that are not accessible for deaf or hard

[79] https://transport.ec.europa.eu/system/files/2021-10/designated_bus_terminals_0.pdf The following link includes regularly updated list of designated terminals: https://transport.ec.europa.eu/document/download/4c41b26b-da15-44ca-9116-06a751a86bbc

of hearing passengers (which need tactile surfaces) as well as PRM who do not speak the local language.

On the carriers' side, the disability-related training procedures are inconsistent across Europe, as to when the training is delivered and how often it shall be renewed, as to its content as well as who has the supervisory role. At times, it forms part of the training required by Directive 2003/59/EC on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers. The topic of trainings on disability was raised in the discussions with the NEBs. Further guidance was requested from the Commission but due to COVID-19, the topic has not yet been followed up but it is envisaged in the near future.

Finally, although cases of denied boarding are less prevalent in bus and coach transport than in other modes, the reason for that appears to be that PRM realise that only a minority of vehicles and stations are accessible. They, therefore, decide to cancel the travel once they receive information on inaccessibility, or do not plan a bus travel at all.[80] This shows how the issue of inaccessibility can prevent PRM from even considering coach travel, even if they enjoy the right to travel according to the Regulation.

d. inconvenience to passengers due to cancellation or significant delay is reduced?

Passengers have rights to information and assistance in case of delays and cancellations under certain conditions. These rights reduce the inconveniences. The lack of reliable systems and procedures for data collection and monitoring, as well as the small number of complaints that reach the NEBs, make it difficult to estimate the scale of inconveniences caused by cancellations, the number and duration of delays, as well as the scale and type of re-routing. This lack of data prevents passengers also from selecting a transport service based on information on expected reliability.

Despite these general shortcomings in terms of available data, it has been reported on that most carriers do not re-route passengers using other carriers or carriers of other transport modes.[81] This can lead to an increased inconvenience for the passenger. This issue may stem from the fact that bus and coach networks are typically denser than rail and air networks and many points accessible by bus and coach cannot be reached by other modes. Often, only one carrier is able to offer a service with the same itinerary, resulting in obstacles for bus and coach carriers to re-route passengers on services provided by competitors. Besides, the bus and coach industry does not have systems by which bookings, passenger identification, destinations and other information could be stored in a common data format and transferred between carriers. Moreover, as departure time approaches, air and rail services can become fully booked and fares for the remaining seats can rise to many times the fare originally paid for the coach journey. Finally, it is often easier for large coach operators to provide a replacement coach, enabling all passengers to continue on a replacement service, than to attempt to re-route them individually to their destinations.

[80] See support study, Para. 3.18 and 3.275.

[81] See case study on re-routing of bus and coach passengers facing disruption, Appendix C of the evaluation study.

e. passengers are informed of their rights and are able to exercise them by complaint procedures set up by carriers (all regular services)?

The text of the Regulation is generally available on the internet via operators' and NEBs' websites as well as on the dedicated website of Your Europe.[82] In addition, passengers can access information related to cancellations, delays, re-routing, complaint handling and reimbursement more easily thanks to increasing reliance by operators on information technology which leads to a more effective contact with passengers in case of disruption.

On the other hand, passengers are often unaware of their rights to complain and of the applicable process, as evidenced by the Special Eurobarometer Survey No 485 on passenger rights.[83]

Carriers' websites are not always clear on how complaints should be lodged: some offer only a general "contact" point, whereas in other countries, there is a consistent national system by which complaint forms must be made available on each vehicle. Also the information available on carriers' and NEBs' websites is not always comprehensive, accessible or well-presented, which actually prevents passengers from getting clear explanations on their rights. As a consequence, in some countries, passengers complain to the wrong NEB, or to a general consumer complaints body.[84]

Some operators, such as the pan-European carriers referred to in Section 3.4 above, act as ticket vendors or travel agents selling travel services provided by other carriers. This can possibly cause confusion to passengers to understand with which party they are contracting and whom to complain to in case of an issue.

f. Member States and national enforcement bodies take the measures necessary to ensure the enforcement of the Regulation (all regular services)?

The Regulation relies heavily on NEBs fulfilling their roles effectively, as enforcement is delegated to Member States. At the same time, the Regulation allows flexibility to the Member States to design the enforcement mechanism in the national legislation. As a result, the legal powers and practical capabilities of NEBs towards the enforcement of the Regulation as well as their approach to monitoring implementation and enforcement (which implies, *inter alia*, imposing penalties) vary significantly from one Member State to another, as mentioned above under Chapter 3. While most NEBs deal with individual complaints, most of those who provided information on the nature of their decisions said they were non-binding. The support study indicates that not all NEBs seem to proactively monitor the implementation and application of bus and coach passenger rights.[85]

A number of issues have been observed in that regard, including the difficulty to ascertain the precise number of bodies fulfilling (part of) the tasks of a NEB across Europe, be it at the national, regional and local level, while their official number is 98. Member States have taken different approaches to meeting the relevant requirements enshrined in the Regulation, ranging from establishing a single national multimodal NEB

[82] Bus passenger rights - Your Europe (europa.eu): https://europa.eu/youreurope/citizens/travel/passenger-rights/bus-and-coach/index_en.htm

[83] See above under Section 3.1 on the description of the current situation.

[84] See examples in Support study, Appendix D.

[85] See the support study, Para. 3.39 and theCountry fiches in Appendix D.

to designating up to 16 in Czechia, 17 in Poland or 20 NEBs in Spain, with responsibilities divided by location, type of journey and/or type of complaint. Also, other bodies, such as those responsible for consumer protection or alternative dispute resolution (ADR), may also have, on a regular basis or in specific cases, competence in the area of enforcement of passenger rights. Stakeholders indicated that the public list of NEBs would not record all the bodies dealing with bus and coach passenger rights, suggesting that additional bodies may have at least some enforcement role. Presumably, stakeholders refer to these other bodies dealing also with passenger rights without being appointed as a NEB, for example consumer protection authorities.

There is an overall upward trend in **the number of complaints**, which was multiplied by 4 between 2015 and 2019. The volume of complaints remains, however, extremely low (less than 1,000 in 2019 at EU+4 level).[86] On the basis of the analysis of the complaints data from 12 NEBs compared to the total bus and coach traffic for scheduled and occasional services regardless of distance, it was estimated that in 2018, NEBs received 1.5 complaints per million bus and coach journeys.[87]

These findings do not allow for a complete picture of compliance with the Regulation.

It is difficult to determine whether the low level of complaints to NEBs, as mentioned above, represents "the tip of the iceberg" or the actual level of concern among passengers about the service they receive.

The following reasons contribute to the fact that bus and coach passengers submit very few complaints, indicating that the extent of the issues is not necessarily reflected by the volume of complaints:

- Many passengers are still unaware of their rights;
- Bus and coach services are perceived as cheap transport services and therefore many passengers may not expect high quality service and they may not seek a redress when their rights are not respected;
- Bus and coach services within the scope of this Regulation are often not well equipped with consumer complaint services;
- NEBs in certain countries only deal with the systemic enforcement of the Regulation and do not handle the complaints of individual passengers;
- Many passengers consider that submitting a complaint to a NEB might not be beneficial to them as in most countries NEBs do not have the power to issue a binding decision in the event of a breach of the Regulation. When NEBs' decisions are not

[86] For comparison, NEBs dealing with air passenger rights received more than 128 000 complaints in 2018.

[87] See support study: NEBs dealing with waterborne passenger rights received around 1 complaint per million passengers in 2018; NEBs dealing with air PRM received around 14 complaints per million passengers; NEBs dealing with air passengers received around 114 complaints per million passengers on the same year (meaning a total of 128 complaints per million passengers for air transport as a whole). See also the information on the number of complaints received by Member State and the nature of complaints in Figures 1 and 2 above in Section 3.2.

binding on operators, passengers must seek another instrument to obtain redress, resulting in passenger rights not being effectively enforced;[88]

- Compensation thresholds dealing with a percentage amounting to 50% of the ticket price have less incentive than in case of long delays or cancellation of a flight, where passengers may receive a financial compensation up to EUR 250, 400 or 600;
- Passengers may be confused by the existence of several NEBs and additional other bodies dealing with passenger rights in bus and coach transport.

Monitoring activities of operators, terminals and other parts of the industry's supply chain carried out by the NEBs , are therefore essential to ensure the enforcement of the Regulation. This may help improve the effectiveness in the implementation of the Regulation. In monitoring compliance, some NEBs are reactive and some proactive (for example, they carry out inspections in addition to conducting investigations based on the complaints they receive).

However, whether the approaches taken, especially the approach based mainly or exclusively on responding to complaints, have been efficient and effective to ensure compliance and consistency in enforcement across Member States, carriers, routes and PSO and non-PSO services, cannot be assessed firmly, given the scarcity of data on this question as explained above when analysing the number of complaints. In addition, there is no requirement of enforcement in relation to occasional services, even though Member States may give NEBs or other bodies powers in that area.

As regards **enforcement measures**, only a small proportion of NEBs have issued penalties, which were generally infrequent and small. Moreover, none of the penalties reported by NEBs exceeded EUR 4,000.[89] These amounts depend on the circumstances of the case at hand. Data on how effectively these sanctions led to a change of behaviour by the operators are not available. The low amounts of penalties could raise doubts whether these penalties are proportionate and more importantly dissuasive, while providing a strong incentive to comply with the Regulation, especially when combined with no pro-active monitoring and a low level of awareness of passengers about their rights. Given the data available, no firm conclusion on effectiveness, proportionality and dissuasiveness of the sanctions can be drawn.

In addition, the NEBs are obliged to **publish bi-annual reports on their activities** as of 1 June 2015. These reports are a valuable source for data.[90] If not foreseen under national law, the NEBs cannot rely on reports of carriers, because these are not obliged to report annually on certain service quality standards as it is the case for rail passenger rights.[91] The reports of the NEBs have to contain in particular a description of actions taken in

[88] As shown by Special Eurobarometer Survey No 485 on Passenger Rights the share of those who experienced a disruption, which say that remedial action was taken was relatively low in respect to other modes: 38% in bus and coach, compared to 53% in air, 43% in rail, 38% in waterborne.

[89] See Annex 6, Table A6.3 Enforcement approach of selected NEBs.

[90] See also Annex III point 3.

[91] Regarding rail passenger rights, railway undertakings are obliged to report annually on certain service quality standards (Article 28 and Annex III of Regulation (EU) No 1371/2007) and Article 29 of Regulation (EU) 2121/782.

order to implement this Regulation and statistics on complaints and sanctions applied (Article 29).

Without sufficient monitoring activity and enforcement measures, backed up by effective penalties, there is a risk that the protection of bus and coach passenger rights is and will remain seriously limited.

In order to assess the effectiveness of the enforcement of passenger rights by the NEBs in the context of the COVID-19 pandemic, it has to be considered that until the end of February 2021 in ten Member States the rules on refunds in case of cancellation have not been applicable for domestic services.[92] As mentioned above, the Commission started in August 2020 informal dialogues via EU Pilot with all Member States regarding the application of passenger rights in all modes of transport including bus and coach in the context of COVID-19 and the obligations of NEBs to report on their activities. These dialogues are still ongoing.

As Recital 27 of the Regulation underlines, the protection of the bus and coach passenger rights is complemented by wider public enforcement mechanisms established under the Consumer Protection Cooperation (CPC) Regulation. So far, this Regulation has not been used yet for bus and coach passenger rights.[93]

Passengers may also seek individual redress by turning to Alternative Dispute Resolution (ADR) bodies or national courts. Turning to ADR bodies can be a comparatively efficient and effective way to seek redress for bus and coach passenger rights complaints.

However, based on information provided by NEBs and ADR bodies themselves, not all Member States are equally equipped in that respect: a number of them do not have specific ADR bodies for the sector and direct the disputes to a generic ADR body. In addition, in some Member States where NEBs are entitled to adjudicate on passenger rights claims, the participation of carriers in the procedure is voluntary. Finally, certain ADRs lack transport sector specific expertise. The Commission has supported the launch of Travel-Net,[94] an association of Alternative Dispute Resolution (ADR) and Online Dispute Resolution (ODR) bodies for transport and travel disputes, to facilitate networking and exchanges between them.

5.1.3. Which factors have contributed to/hindered the achievement of the above objectives?

[92] Croatia, Cyprus, Estonia, Hungary, Latvia, Luxembourg, Malta, Portugal, Slovakia, Slovenia. The ten Member States listed above include the ones where the exemption from the scope of the Regulation in accordance with Article 2(4) was granted until the end of February 2021, excluding the UK (see Table 2 on the use of exemptions by countries in section 3.3) along with the three Member States where the exemption was not applicable due to the scheduled distance of services below 250 km (namely, Cyprus, Luxembourg and Malta).

[93] Recently the Consumer Protection Cooperation Regulation has been used for the better enforcement of air passenger rights, see: https://ec.europa.eu/info/live-work-travel-eu/consumer-rights-and-complaints/enforcement-consumer-protection/coordinated-actions/air-travel_en.

[94] Launch event for TRAVEL-NET, a network of ADR entities handling consumer disputes in the passenger transport and travel sectors (Berlin, 10 November 2017); https://www.adrpoint.gr/travel-net (the Greek ADR hosts the website with an application form). It has more than 20 members.

The scope of the Regulation, which offers only limited protection to passengers on services below 250 km as well as on occasional services, deprives many passengers in Europe of a high level of protection. The specific protection established for PRM passengers is also not guaranteed in practice in most Member States due to the low number of designated terminals.

Moreover, effective enforcement is needed to achieve the objectives set out in the Regulation. Different organisational structures, powers and procedures in NEBs and other enforcement bodies add to the lack of awareness of passengers about their rights. Consequently, a low number of complaints reported could be interpreted as evidence for a high level of compliance, but, combined with weak monitoring activities, low passengers' awareness of their rights, it could also mean that there is a rather low level of compliance. Importantly, the current system does not effectively allow overseeing and measuring the quality of enforcement, due to the variety of levels at which rights are enforced combined with lack of comprehensive reporting from the carriers to the NEBs, as well as lack of reliable procedures for data collection and monitoring.

5.1.4. To what extent have the measures adopted in the Regulation ensured the same level of passenger rights protection across the EU?

The Regulation anchored the varying levels of national protection of passenger rights in a minimum "floor" level. Before its adoption, that protection differed according to the consumer and transport law in each Member State.

However, the practical effect is complex to identify and almost impossible to measure. Indeed, passenger rights vary depending on the length of the journey, whether domestic, international or extending outside the EU. In case of a service operated in accordance with a Public Service Obligation (PSO), the effective passenger rights may also depend on the conditions of carriage offered by the competent authority. The issues related to enforcement further prevent the Regulation from ensuring the same level of protection of passengers across the EU.

In case of disruption, the effective level of protection is additionally affected by the extent to which information can be communicated to passengers in accessible languages or media. On board vehicles, and even at many terminals, the availability of information may be limited by the language skills of the driver, reduced staff, or the media by which information is provided.

5.1.5. Has the Regulation led to any positive or negative unexpected effects?

On the operators side, entering a new national market in the absence of the Regulation required a careful study of all relevant domestic legislations, the requirements it would impose on them, and the means and costs of compliance. In some cases, this would require local adjustments to their business models and operating procedures, to ensure that they reflected local requirements. Uniformity brought by the Regulation in that regard may be assessed positively, although hampered by unequal enforcement at the national level.

Nevertheless, compliance with the Regulation may be difficult for some SMEs, since some provisions require services that are difficult to provide by small operators, who

have a limited number of coaches, drivers, head office staff and commercial agreements.[95]

Both new and existing operators have chosen to deliver many aspects of their business model through email, SMS, websites and apps. Those means not only have low operating costs but also allow operators to "push" general or tailored information direct to passengers in real time.[96]

5.1.6. Did the Regulation lead to legal clarity? Does the Regulation leave gaps that might hamper its effectiveness?

Several gaps which hampered the effectiveness of the Regulation have been identified:

Distance threshold of 250 kilometres

The most significant of the gaps can be identified with regard to the scope of the Regulation, which affects the level of protection granted to passengers: pursuant to Article 2(1) and 2(2), the Regulation in its entirety only applies to regular services if the scheduled distance of the service is 250 kilometres or more, and only limited rights apply to regular services with shorter distance and to occasional services. In practice, passengers other than those travelling on regular services where the scheduled distance of the service is at least 250 kilometres do not benefit for example from assistance in case of cancellation or delays of the service, and they cannot benefit from assistance granted for PRM passengers.

Moreover, the application of the 250 km threshold was not clear for all stakeholders, as it refers to the "scheduled distance of the services". Nevertheless, the European Parliament and the Council both understood it as follows: "The Regulation applies to all regular services for non-specified categories of passengers with a scheduled distance of more than 250 kilometres, which means that passengers only travelling a part of such a long-distance service are also covered".[97] The Commission clarified this issue also with the NEBs that in cases where the scheduled distance of a service is 250 km or more, the provisions of the entire Regulation should apply to all passengers, even if they travel with the service on a journey which is shorter than 250 km.[98] However, as supported by a range of stakeholders participating in the consultation exercise, it has in many instances been misinterpreted in the sense that the passenger has to travel at least 250 km.

This threshold can also lead to unfair results, as it differentiates between passengers travelling between the same points, those travelling on a service of 250 km or more enjoying the full range of rights and being treated equally, unlike those travelling on services of less than 250 km for whom only the "basic" rights apply. This double

[95] See Support study, Para. 3.93.

[96] See the case study on passenger rights when the ticket was not issued by the operator of the service (analysing the EU major bus and coach business models of FlixBus and BlaBlaBus), Appendix C of the support study.

[97] Report of the European Parliament A7-2011-0020; Council press release of 31 January 2011, 5808/11 PRESSE 14, https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/trans/118995.pdf

[98] See the Report to the European Parliament and the Council, COM(2016)619, 27.9.2016, footnote 30.

standard is independent of the length of their individual journey. For instance, if a passenger travels with a regular service scheduled only between the two terminus stations in Bratislava and Vienna, 64 kilometres away from each other, only the basic rights apply, while the full Regulation will apply if this journey between Bratislava and Vienna is part of a service where the two end stations are distant by at least 250km (e.g. line from Munich to Budapest).

Liability for stolen luggage

A number of stakeholders, notably passengers and consumers' organisations, argued that further improvement is also required in relation to the provisions on operator's liability in the case of damaged, lost or stolen luggage. In particular, the latter is not covered by the Regulation as compensation is only granted for lost or damaged luggage in the event of accidents pursuant to Article 7. Nevertheless, this does not represent the typical case for bus and coach passengers. What they may be most exposed to in that regard is having their baggage stolen at terminals or bus stops, as confirmed by many stakeholders participating in the consultation exercise. This consistitutes a significant gap in terms of passengers' protection.

Interpretative uncertainties

Interpretative doubts, as expressed by many stakeholders participating in the consultation exercise,[99] may also concern notions such as re-routing under "comparable conditions" and "at the earliest opportunity" as laid down under Article 19(1)(a)[100] or the exact scope of information to be provided in case of disruption. This uncertainty is exacerbated by the absence of case-law by the CJEU. Case-law in the area of other modes of transport such as Case C-570/19 Irish Ferries[101] concerning the rights of passengers when travelling by sea and inland waterway could provide guidance in interpretation of some concepts set out in Regulation (EU) No 181/2011, for instance the interpretation of the notion 'extraordinary circumstances' or the rights of re-routing and compensation in case a carrier cancels a passenger service giving several weeks' notice.

Submission of complaints

Furthermore, Articles 27 and 28(3) related to submission of complaints contain no rules regarding the question as to who can be empowered to represent the passenger in this process, as it is a matter of national law. Cases mentioned by stakeholders are for example: the carer of a passenger with learning difficulties, or a non-passenger complaining about lack of information about a service on which a passenger (e.g. their

[99] See support study Table 4.5, proposal 4; also see case study Para. C.19.

[100] "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;"

[101] Case C-570/19: Reference for a preliminary ruling from High Court (Ireland) made on 26 July 2019 — Irish Ferries Ltd v National Transport Authority, ECLI:EU:C:2021:664.

relative) is travelling.[102]Moreover, a passenger might wish to complain about a terminal managing body, which is currently not possible according to the Regulation.

Enforcement of the provisions on occasional services

Finally, there remain gaps in the Regulation in relation to the enforcement of the provisions on occasional services as Chapter V on complaint handling and Chapter VI on the enforcement of the Regulation do not apply to occasional services as stated under Article 2(3).

5.1.7. To what extent can the changes observed since the entry into force of the Regulation be attributed to its application?

In the absence of the Regulation, passengers would have faced a patchwork of passenger rights varying between Member States and, within Member States, with local arrangements including the contracts and conditions of carriage of individual PSO contracts. Bus and coach carriers would probably not have strong incentives to implement rights for passengers and to address complaints. Therefore, the Regulation created a consistent and standardised framework of passenger rights, which it is doubtful would emerge spontaneously otherwise.

However, data on complaints lodged with NEBs does not allow to establish whether the increase in the volume of complaints is driven by changes in travel within the scope of the Regulation, the number of the breaches of the Regulation, passengers' awareness of the right to complain, or their willingness to do so. Similarly, there is little data on the number of services, or passenger journeys distinguishing regular and occasional services, PSO and non-PSO services, or services of 250 kilometres or more. Second, the precise number of services and passengers benefitting from each element of the Regulation is unclear, so that its impact is difficult to assess through a counterfactual scenario.[103]

5.1.8. Are passengers easily granted the rights to which they are entitled?

According to special Eurobarometer 485 survey, at EU level,[104] 38% of bus and coach passengers who experienced a disruption received some form of 'remedial action'. Across Member States, the proportions vary greatly, with 87% of passenger in Poland but only 3% in the United Kingdom answering that they received remedial action (see Figure A6.4 in the Annex 6). However, this data does not account for whether passengers were eligible for basic or extended rights nor for the type and duration of disruption experienced by passengers, the reason for which is not conclusive for the assessment of the effectiveness of the Regulation.

Moreover, and according to the same survey, many passengers are still unaware of their rights: only 39% of bus and coach users are aware of the existence of EU passenger rights, which is the lowest rate among all transport modes.[105] Based on these

[102] Legal unclarity regarding the right to represent a passenger in the complaint procedure has been identified not only in relation to Regulation (EU) No 181/2011, but overall in the EU regulatory framework on passenger rights. See support study Para. 3.192.
[103] See Support study, Paragraphs 3.97 and following.
[104] Special Eurobarometer 485 Report.
[105] 49% for air passengers, 43% for rail passengers and 45% for ship or ferry passengers.

observations, it is probable that, in many instances, passengers would probably not understand that passenger rights vary between modes, Member States and routes of different lengths. Importantly, bus and coach passengers' expectations of their rights seem to be based on what they know, or think they know, about other services or modes, rather than on an informed view that there is a consistent minimum level of protection specifically available for bus and coach travel.

5.2. Efficiency

Evaluation questions

5.2.1. What were the actual negative impacts and costs the Regulation has given rise to and how high were they? Who did they fall upon?

As far as passengers are concerned, the total net costs (difference between costs and benefits)[106] associated with the Regulation was estimated[107] to EUR 122 million over the 2013-18 period (in 2018 prices). These costs, referring to the time spent by passengers in making complaints and claims due to disruptions, takes into consideration the total number of complaints made in the scope of the Regulation, the 2 hours time taken to address each complaint on average and passenger's value of time.

In the absence of the Regulation, bus and coach carriers would probably not have had strong incentives to implement rights for passengers and address complaints as the additional costs imposed by the Regulation can be significant to carriers. This is also demonstrated by the fact that the majority of Member States had not been able to develop appropriate complaint handling and dispute resolution mechanisms before the adoption of the Regulation. On the other hand, while some costs under the Regulation may not be burdensome, and may be bundled together with other compliance tasks, such as quality and safety, enforcement costs – including those associated with complaints handling, may be substantial. This is the case when legal advice is necessary, although it remains unclear how often carriers need to do so as a result of the Regulation. In conclusion, it was estimated that costs for carriers amounted to EUR 571 million over the 2013-18 period (2018 prices, see Table A5.1, in Annex 5).

Financial compensation does not represent a relevant cost here. As compensation is not a basic right, it applies to a very limited share of passengers; besides compensation is due only if the carrier fails to offer passengers the choice between rerouting and reimbursement; and as most bus or coach tickets cost EUR 100 or less, the net value of the compensation is negligible, given the time needed to submit the complaint.

As regards the costs of providing compensation or assistance in the event of accidents, no evidence or comments have been provided by stakeholders. However a European-wide carrier explained how its traffic control department would operate in the event of an accident or emergency by calling ambulance and police, providing technical assistance or advice, as well as providing assistance with regard to the passengers' immediate practical

[106] Stakeholders' views on specific regulatory costs, including in relation to complaint handling, monitoring and enforcement, are analysed in detail in the cost-benefit analysis part of the support study, see Appendix H.

[107] Making use of assumptions, to deal with the data limitations referred to in the methodology. See Section 4.2.

needs. As far as compensation and assistance are concerned, it did not identify any costs stemming from compliance.

It should be noted that, on the one hand, passengers may be reluctant to complain unless they expect reimbursement or compensation, while, on the other, penalties applied to carriers and terminal managing bodies do not directly benefit the passenger who made the complaint.

Passengers may also find that the Regulation added complexity to the process of lodging a complaint making it more difficult. For example:

- For passengers it may be difficult to understand whether a complaint relates to the Regulation, or to national law, or is not valid.
- Passengers may be confused over which body should be approached regarding the complaint.
- Passengers may face a procedure of several steps until they can enforce their right: they may need both, to complain and to appeal, which may further need to be followed by action in courts.

PRM may still encounter difficulties when travelling by bus and coach because they need to notify their travel in advance, they have different needs depending on their disability and, for PRM who are wheelchair users, different technologies of wheelchair may further restrict their possibilities to access a bus or a coach.

The additional costs of the Regulation to date may be limited, as carriers may have granted some elements of the rights, whether legally required or not, by other means; and passengers might not demand all their rights, either because they are not fully aware of them or because they do not wish to demand them.

Higher costs may stem from the fuller delivery of the rights and associated benefits, which may in turn also result in additional costs for passengers, as they still have to take action to obtain their rights, even if they are more aware of them.

In terms of administrative costs for NEBs, they reported a relatively small number of full-time equivalents (FTEs) assigned to monitoring and enforcement tasks, including complaint handling. However, the existence of NEBs may have led to carriers dealing with more complaints themselves, increasing costs to carriers but resulting in less work and costs for both NEBs and passengers. No stakeholders suggested that more than a small proportion of complaints were passed to a NEB. None of the NEBs consulted clearly distinguished costs associated with their responsibilities under national law and the additional costs associated with their responsibilities as a NEB under the Regulation. It was nevertheless estimated in the cost-benefit analysis that NEB costs associated to fulfilling their enforcement role pursuant to the Regulation amounted to EUR 32 million over the 2013-18 period (2018 prices).

Table 3 summarises the recurring costs of monitoring and enforcement processes reported by stakeholder group including, for clarity, the costs of complaints by passengers to NEBs. Tables A6.6 and A6.7 in Annex 6 present an overview of the running costs for NEBs, and of running costs and benefits for carriers, respectively.

The overall total net cost, adding up the sub-totals referred to above, amounts to EUR 725 million over the 2013-18 period (2018 prices). It can be used as a basis to estimate the cost of the Regulation borne by each passenger. Indeed, dividing these costs by the total number of passengers who travelled on long-distance bus lines in EU+4 during the same period (namely 13.8 billion), it was estimated that the Regulation costs each passenger EUR 0.05. Moreover, if all the costs are apportioned to the bus passengers who travel on services of 250 km or more, the cost of the Regulation results in an additional EUR 0.40 per journey.

Table 3: Recurring regulatory costs by stakeholder group, monitoring and enforcement

Group	Description of recurring costs
Passengers including PRMs	Time required: • to research rights, collect evidence and write communications to stakeholders Inconvenience and risk: • Some NEBs only accept complaints in writing (Luxembourg), or in the local language • Complaints-handling charges in some Member States: Denmark's ADR charges EUR10-20 (DKK80-160) per complaint which is refundable only if the complaint is upheld or withdrawn. • Sweden's ADR handles complaints with a value greater than EUR50 (SEK500). This appears to comply with the Article 28(3) requirement that complaints may be submitted. If nothing else, this may mean that many complaints which are valid under the Regulation are not submitted by passengers. Legal fees: • where passengers go to court or a consumer ombudsman, particularly where NEBs' decisions are non-binding
NEBs	Monitoring, including inspections: • Communication with stakeholders, including translation costs where applicable • Collection and verification of evidence • NEBs assess whether operators' procedures are compliant, including their conditions of carriage and information on their websites • NEBs carry out open and hidden monitoring of compliance, as in Ireland • NEBs request evidence of compliance, as in Italy Enforcement: • Weighing of evidence and judgment (Denmark's appeal board consists of five members and a high court judge, which meets six times per year) • Penalties • Constructive discussions with operators • Administration costs relating to enforcement penalties • Escalation of enforcement action where non-binding judgments have not been acted upon • Legal advice, where procured Reporting: • Biannual activity reports
Bus and coach carriers	Monitoring: • Collection and submission of evidence of compliance to authorities, as in Italy • Internal quality audits Enforcement: • Additional staff training • Updating company policies, operating procedures and general conditions of carriage
Terminals including terminal managing bodies	

Source: Commission's analysis based on Support study.

5.2.2. Were the positive impacts for passengers achieved at a "reasonable" cost? Could the same results have been achieved with less funding/lower cost? Is there any potential for the reduction of the regulatory costs for any of the stakeholders groups?

Passengers have benefited from the overall positive impact of the Regulation which increased their rights. Passenger and PRM representatives were mostly positive, with around half stating that the Regulation has –probably- delivered net benefits. Carriers were mostly negative but, in contrast to air service providers consulted on air passenger rights and protection for PRM, bus and coach operators did not argue strongly in favour of lower regulatory costs at this stage of implementation of the Regulation.

Whether the cost was reasonable can be assessed only partially given the lack of data. In particular, a robust assessment would require (1) the exact level of rights that existed, or would have been introduced, in the absence of the Regulation, for each combination of service type and right, (2) the exact number of passengers benefitting from each additional right, and (3) estimates of both the costs and the benefits of creating that right.

On the other side, the analysis of benefits requires an assessment of (1) which of the passenger rights enshrined in the Regulation would have been achieved anyway, whether through other legislation, PSO contracts or conditions of carriage, or commercial pressure on operators, and (2) the benefits to operators. Therefore, the benefits to passengers may include:

- non-discrimination on grounds of nationality or place of residence with regard to transport conditions offered to passengers by bus or coach undertakings;
- information obligations (regarding their rights and possibilities of complaint handling and enforcement);
- compensation in the event of accidents, in respect of wheelchairs and other mobility equipment, and if the correct choices are not offered in the event of disruption;
- obligations of bus and coach undertakings in the event of delay in departure, in the event a carrier has not assisted a passenger in the first instance, and also the availability of assistance in the case departures are delayed by 90 minutes or more;
- obligations of bus and coach undertakings in the event of cancellation;
- right to care and assistance in case of disruptions;
- right to assistance for passengers (including PRM) in case of disruption;
- more confidence in travel; and
- some savings in time through clarification of complaints procedures.

According to some consumer and passenger associations, the need to use Alternative Dispute Resolution – ADR-processes (with the time, inconvenience and administrative fees connected with them) could be reduced if, for example, the NEBs had sufficient

powers, and acted consistently in interpreting the legislation, to deter non-compliance through effective enforcement.[108]

One of the larger NEBs reported that passengers do not always obtain individual repayment as a result of penalties due to the complexity of the administrative procedures for imposing penalties which are also not always effective. It suggested that ADR bodies should be encouraged "as simple and inexpensive dispute resolution alternatives." Another NEB suggested that carriers should be obliged to use ADR bodies or other out-of-court dispute resolution procedures.

In terms of efficiency and costs, one has to mention the existence of multiple NEBs in some Member States, which may lead to some duplication and somewhat lower consistency. This may result in additional inefficiency, meaning higher regulatory costs. Overall, the uncertain and in some countries high number of NEBs is unlikely to be conducive to consistency in monitoring and enforcement. Some bodies mentioned cases where a lack of a clear division of their competences created scope for different interpretations of the Regulation within the same Member State. If the Regulation can be interpreted in different ways within a Member State, the potential for different interpretations across the EU is even greater. Stakeholders suggested that further pan-European coordination should be encouraged as well as the rationalisation of NEBs, in order to resolve issues of interpretation and to ensure less complexity for all stakeholders involved and, potentially, lower costs.[109]

5.2.3. What types of benefits have been achieved for the different stakeholder groups (e.g. assistance received for passengers (including PRM) in case of disruption, time saving, compensation received in case of disruption, increased demand, increased market share, etc.)? Can the costs and administrative burden incurred by stakeholders be considered proportionate to the benefits established?[110]

The Regulation is positively perceived by passengers and PRM representatives, as evidenced by the view expressed by over half of the organisations that the benefits to passengers outweighed the costs.

However, the gaps identified will continue to result in significant costs for passengers, regardless of the level of compliance with the Regulation performed by the industry. In particular, where the NEBs' decisions on complaints are not binding, the complainant is obliged to either rely on the goodwill of the carrier or other parties involved, or seek redress by other means. This could imply seeking redress through the courts with passengers consequently incurring potentially substantial costs, while the outcome is often highly uncertain. On the other hand, although not all ADR bodies offer entirely free mediation, using this remedy or small claims courts does not normally mean a risk of bearing the legal costs of the opposite party. However, some financial risk may derive from these remedial actions, whereas a minimum understanding of legal matters may be also be required.

[108] In line with the findings of the support study on the efficiency evaluation topic, see Chapter 3 of the support study.
[109] See Support study, Para. 3.168.
[110] See Support study, Para. 3.117 and following.

Under the Regulation, the economic burden is primarily borne by carriers, who in turn pass it on to passengers, through bus and coach fares. However, additional compliance and enforcement costs stem from legislation at the expenses of some stakeholders' groups. To this end, it is useful to consider the evidence provided by stakeholders, who offered various views on the distribution of costs and benefits.

The majority of costs reported by stakeholders related to the time commitment and inconvenience associated with the complaint processes.

With regard to administrative burden, the majority of the NEBs expressing their view stressed that the net benefits provided by the Regulation, through improvements for the passenger, do offset the Regulation's generally low but direct costs. These benefits have resulted in a combination of:

- Service quality improvements;
- A process for complaints handling;
- Improved passenger confidence and greater consistency across operators;
- Clarity on stakeholders' rights and obligations; and
- Improved accessibility to services.

Concerning the distribution of NEB's costs between different tasks, including monitoring, complaints handling and enforcement, only limited data could be collected. However, one NEB stated that the average number of complaints received appears to be correlated with the NEBs' total costs. This may also skew the distribution of costs towards complaint-handling and enforcement, as some NEBs ensure compliance primarily or exclusively through responding to complaints. In such cases, their costs are likely be driven by the number of complaints, which has been rising steadily over recent years, resulting in costs rising as well. However, this rising trend in the number of complaints was interrupted by the outbreak of the COVID-19 pandemic which brought the bus and coach sector to a partial or total standstill in 2020. The NEBs in general reported a decline in the number of complaints submitted for 2020. Part of these costs also have to do with the complexity of the NEBs' structure, as decided by the Member States, some of which created a large network of NEBs. For example, disproportionate costs for NEBs may derive from the choice to have a national NEB for international services and regional ones for domestic services (as it is the case in Belgium, Spain and Poland). In addition, in Poland the NEB depends on the municipality in which the carrier was licensed, rather than where the journey was made.

NEBs also have to publish a report on their activity every two years and, whenever appropriate, exchange information on their work and decision-making principles and practices with other NEBs. The Commission supports the NEBs in these tasks by providing guidance, organising meeting with the partipation of stakeholders and providing a forum for exchanges of best practices between the NEBs thus curtailing the costs and administrative burden.

Estimated costs for NEBs remain low compared to those of other stakeholder groups. On the other hand, in view of the tasks referred to above, it appears questionable if the small workload reported by some NEBs allows to conclude that they fulfil properly all their

activities, from monitoring, enforcement to inspections and promotion of passenger rights.

It was difficult for carriers to identify the costs associated with compliance with the Regulation. FlixBus stated that the costs associated with providing assistance to passengers in the event of disruption and, more generally, executing the company's obligations under the Regulation were "high", but had difficulties separating such costs from those it would have incurred in the absence of the Regulation, as well as from more general customer service costs. In general, the relevant costs involved, such as complaints handling, customer assistance, re-routing costs and IT infrastructure costs, have a range of drivers, of which the Regulation is only one. These include passenger expectations, market competition, company mission statement and profitability. In at least one Member State, the Regulation's impact has been limited due to the existence of similar provisions previously established under national legislation.

No stakeholder commented on whether ticket prices have increased due to operators passing on increased operating costs to passengers. There is also insufficient information from terminals, or terminal managing bodies at designated terminals, to identify clearly the distribution of costs and benefits for these stakeholders.

The evidence obtained suggests that the Regulation has delivered some benefits and that the compliance costs appear limited. However:

- Effective enforcement of Regulation (EC) No 261/2004 in air transport through both NEBs and through claim agencies led to increased airline costs, especially where there was a right to compensation. In contrast, bus and coach carriers reported negligible compliance costs. This might be because compliance by bus and coach carriers is limited, and the costs of complete compliance would be much higher. However, it may be because only a small proportion of bus and coach passengers are entitled to the rights associated with services of 250 kilometres or more.

- The Regulation has not resulted in a network of designated, accessible and staffed terminals in all major urban areas. If this had happened, it might have involved high costs, assuming that the relevant planning, heritage and environmental consents could be obtained.

5.2.4. Could the use of other policy instruments or mechanisms have provided better efficiency?

The Regulation allows for some flexibility in terms of enforcement, recognising the different national regulatory frameworks in place in different Member States. In particular:

- There may be one or more NEBs, with the Member State deciding how responsibility for enforcement shall be divided between them.

- They range from new NEBs dedicated to bus and coach passenger rights to existing bodies with a wide range of responsibilities.

- It is for the Member States to decide what powers and resources to allocate to the NEBs, and for the NEBs to decide how to use them, provided that they "take the measures necessary to ensure compliance with" the Regulation.

Implicitly, Member States and NEBs may use this flexibility – the number of NEBs, the range of their responsibilities, and the interpretation of what is "necessary to ensure compliance" – to adopt a model that they consider to be effective and efficient in the context of their national legislation and the bodies which enforce it.

In addition, and taken together, these elements of flexibility have resulted in a wide and potentially confusing range of enforcement models leading to an unequal level playing field. A variety of enforcement powers, limited fines available to most NEBs, and the rarity with which penalties have been applied may influence the efficiency. Administrative procedures are complex, and the large number of NEBs, plus ADR bodies and complaints-handling bodies, may lead to duplication of effort. In the absence of case law, and with many complaints treated on a case-by-case basis, the Regulation may not be interpreted consistently across the EU or within the same Member State.

5.3. Relevance

Evaluation questions

5.3.1. To what extent did the original objectives of the Regulation prove relevant to the particular needs of passengers (including PRM) travelling by bus and coach identified at the outset of the intervention?

Problems and needs of passengers identified at the outset of the intervention

The impact assessment accompanying the 2008 legislative proposal identified a set of specific objectives to be pursued by the Commission in terms of ensuring a high level of protection to bus and coach passengers comparable with other modes of transport.

As explained under section 2.2 above, these objectives included accessible coach travel for disabled persons and persons with reduced mobility, protection on death or injury, liability for loss or damage of luggage, a consistent complaint handling and an appropriate enforcement system. Each of these specific objectives fed into the Regulation's overarching objective, which is to ensure an equivalent level of protection of, and assistance to, passengers in bus and coach transport throughout the EU. The achievement of specific objectives through the Regulation has been partial and these objectives remain highly relevant.

Non-discrimination, assistance and denied boarding

A very low number of PRM-related complaints, reported by NEBs, might indicate that the Regulation has shown relevance in the way it addresses the originally identified needs of PRM passengers, but it might also be only the 'tip of the iceberg' (see above).

On the one hand, the Regulation appears to have positive impact on the accessibility of bus and coach services for PRM. This is due to the obligations related to assistance, which were put on carriers and terminal operators, in particular in the area of training of staff (despite weaknesses of enforcement and possible exemptions). On the other hand, only a small minority of vehicles and terminals are truly accessible, the provision of information in accessible formats is often unsatisfactory, and identifying available assistance might be difficult in practice. This results in a still persisting structural problem of inaccessibility, which prevents PRM from considering coach travel and requires further efforts. The objective of achieving non-discriminatory access and

ensuring assistance to PRMs has been addressed to a limited degree but still remains highly relevant.

Liability of carriers

Chapter II of the Regulation provides for compensation for death or personal injury to passengers and loss of or damage to luggage, but only in case of accidents arising out of the use of a bus or coach. Consequently, the Regulation does not cover the relatively frequent issue of stolen baggage, since only lost or damaged luggage in the event of accidents are covered under the Regulation (Article 7). In addition, it has been found that the conditions of carriage of some operators attempt to limit the compensation below the minimum compensation of EUR 1 200 per item of luggage to which passengers are entitled under the Regulation (Article 7(2)(b)).

Since serious accidents remain relatively rare in bus and coach passenger transport, [111] liability for injury or death is not an issue thoroughly commented on by stakeholders. Moreover, the Impact Assessment found that there was a range of rules relating to loss, damage and injury, which apply on the basis of other acts and which would apply in the absence of the Regulation.[112] However, the objective of harmonising these different rules in the interest of greater clarity for passengers was clearly relevant at the time of the intervention, and remains relevant as passengers' awareness of their rights and willingness to exercise them grow.

Cancellations and delays

Some NEBs note that passenger protection in relation to disruption and re-routing was significantly strengthened by the Regulation. However, the views of passenger groups, while mixed, tend to emphasise the progress that remains to be made in terms of effectiveness. Furthermore, passenger protection may be weakened by the specificities of the sector. Stakeholders indicate, for instance, that it may be difficult to re-route passengers on other services, carriers or modes, particularly when passengers are already waiting at a remote bus stop. The most effective response in such situations seem to be to provide a direct replacement vehicle to operate a direct replacement service.

The data does not allow to conclude whether or by how much the carriers' operational performance, measured in terms of cancellation and delays, has improved since the Regulation came into force. However, the views of different groups, read in light of the characteristics of the sector, suggest that protection in case of cancellation or delay remains a highly relevant issue.

Establishment of basic quality standards, complaints and monitoring

Many aspects of service quality experienced by passengers, such as the level of comfort or length of journey time, are determined by operators who respond to the competitive dynamics of the market. In that area, the Regulation specifies the rights that passengers have in the event of disruption, the information they should expect and the complaints procedure to which they should have access.

[111] See road fatalities of vehicles occupants, statistical pocketbook 2020, EU Transport in figures, pp. 107-110. Link: https://transport.ec.europa.eu/media-corner/publications/statistical-pocketbooks_en.

[112] See support study, Para. 3.283.

5.3.2. Do the original objectives of the Regulation still correspond to the current needs of passengers travelling by bus and coach? How well is the Regulation adapted to technological or scientific advances that may help passengers and PRM travelling by bus and coach? To what extent is the scope of application of the Regulation adequate today for the attainment of the objectives, taking into account the exemptions foreseen and applied?

The EU bus and coach market

Since the Regulation began to apply in 2013, there have been a number of changes to the EU bus and coach market with potential implications for passengers' needs and the objectives of the intervention. These changes are not the consequence of the Regulation but stem from the liberalisation of the market in the EU over that same period.

First, liberalisation of domestic markets in large Member States led to a significant increase in passenger traffic, both domestically and internationally within the EU. The liberalisation was followed by a relatively rapid consolidation of carriers.

Second, the "platform" operating model adopted by carriers involves working in cooperation with other carriers, who employ the drivers, own the vehicles and operate the routes. This trend towards increasing digitalisation and greater use of online and app-based services by consumers reflects global developments in information and communication technology, and affects EU economy as a whole.

Third, the significant increase in the number of routes offered means that many passengers using long-distance bus and coach services do not board at a terminal but may find it more convenient to use local bus stops.

Key technological changes

Increased digitalisation has had a significant impact on the bus and coach industry in recent years. As indicated by many stakeholders participating in the consultation exercise, technological improvements have changed many passengers' experience, in particular in relation to the booking process and the provision of information: passengers can buy tickets online or on their phone and receive live updates about the status of their journey. Other developments in the sector include increased competition and passenger choice in some Member States, market consolidation, and improvements in terms of PRM facilities, comfortable seats and on-board WiFi.

However, digitalisation led to deterioration of other services, resulting in fewer staffed ticket offices and less provision of information in physical format. Access to information has, therefore, become more difficult for passengers who do not have access to the internet, even if they represent only a minority of bus and coach users. This issue is not unique to the bus and coach market.

The trend towards more digitalisation is likely to reinforce the market share of carriers best able to exploit it, risking a further reduction in the number of smaller carriers who do not have the resources to build the necessary IT infrastructure. This risk may be exacerbated by some of the requirements of the Regulation, related to information provision and timely customer support in case of disruption - indeed, these requirements are likely to be harder to be met by smaller carriers than by large 'platform' carriers.

The Regulation makes little reference to electronic media and format. However, its provisions on non-discrimination and provision of information may, potentially, allow to

address issues of inadequate information for passengers without access to digital sources, through existing provisions in the legislation.

The Regulation includes various references to requirements for terminals, in terms of accessibility and assistance. Nevertheless, as the EU bus and coach fleet is modernised, and the industry is further digitalised, some of the services previously provided at terminals are likely to be increasingly provided in other ways, such as through on-line platforms and apps. Despite that, terminals are still likely to play an important role in providing connections with other bus services and transport modes in a comfortable and secure environment.

Passenger needs

While it may not be concluded that passengers' needs have significantly changed, market developments suggest that their expectations, for instance as to the quality of service, may have evolved since the adoption of the Regulation in 2011. Many stakeholders note, in fact, that market and technological developments improved the service that carriers offer to passengers. Still, they reiterate the needs identified at the outset of the intervention and identify areas where the Regulation could be improved, such as quality of the complaints procedure and the refund process, accessibility, access to information, regulation of stolen luggage, expansion of new technologies, or situations where passengers miss a connection with the same carrier.

Needs that arose from the COVID crisis

The COVID-19-pandemic has made the question of health much more important for most passengers, especially for risk groups. For those passengers, the priority is the possibility to keep their distance from other passengers, which may be difficult if carriers are allowed to sell all seats. As explained above, the questions of provision of information and reimbursement have also become all the more prominent in view of the cancellations and other disruptions that occurred since spring 2020 due to the health crisis. The COVID-19 pandemic brought the bus and coach sector to a partial or total standstill in 2020 as the carriers could only provide services to a limited extent. The NEBs reported in general that the number of journeys drastically decreased as a result of COVID-19 pandemic on the global scale and consequently the number of complaints fell too. The complaints received were in majority related to cancellation of trips by carriers or reimbursement of ticket price.

Adequacy of the Regulation

These developments have not substantially impacted the relevance of the Regulation. However, its scope and room for exemptions had an impact on its effectiveness and thus on the extent to which its objectives could be achieved.

5.4. Coherence

Evaluation questions

5.4.1. To what extent is the Regulation internally coherent?

The scope of the Regulation might be seen as incoherent with its objective of uniform, high level of protection. Indeed, the Regulation does not apply in its entirety to services below 250 km, occasional services and, until 1 March 2021, also to exempted services.

Also, the Regulation established the right of PRM to travel at no additional cost. However, several provisions essential to guarantee that right do not apply to some services. An example is the requirement to notify the need for assistance, which applies only to regular services whose length is 250 kilometres or more. The same 250 km threshold applies to the obligation of rapid provision of temporary replacement equipment or devices. However, to be of value, a right to travel must come with the possibility of taking mobility equipment on-board and replacing it regardless of the distance travelled, since it is a basic need. In addition, while accessibility and information requirements for PRM passengers do not apply to services below 250 km and to occasional services, an operator may still refuse the transport of a person in case of physical impossibility – this right of the operator, together with inapplicability of the provisions on accessibility and information, leads to a low level of PRM protection, incoherent with the objective of the Regulation.

Another inconsistency exists between the time to provide information in the event of cancellation or delay on departure of a regular service ('as soon as possible and no later than 30 minutes after the scheduled departure time') and the time to offer the passenger the choice between continuation, re-routing or reimbursement ('immediately'). The latter process is much more complex than the provision of information, while the time-limit imposed on the operator is shorter.

Table 4 summarises the findings on internal coherence issues of the Regulation, of which there are many. Some explanations regarding specific provisions are provided in Section 5.1.6.

Table 4: Issues of internal coherence of the Regulation

Issues	Article	Details
Basic rights	2	Selection of some rights as "basic" is unclear.
Occasional services	2	Rights are different from those for regular services.
	28	Rights for occasional services are not subject to enforcement.
Accessibility	10(1)	Physical possibility is referred to for vehicles but not for terminals.
Distance	2	Some rights depend on whether "the scheduled distance of the service is 250 kilometre or more", but this is sometimes interpreted to mean the passenger journey: either interpretation may lead to inconsistencies.
Luggage	7	Luggage liability is limited to accidents and, because of the 250-kilometre threshold, depends on the service distance.
Immediate practical needs in the event of accidents	8	Because of the 250-kilometre threshold, assistance may vary between passengers making the same journey on different coaches, or passengers on the same coach making different journeys.
PRM notification of travel	14	The process for notification of PRM travel is only defined above the 250-kilometre threshold.
PRM temporary replacement of equipment	17(3)	Because of the 250-kilometre threshold, rights to temporary replacement depend on the distance of the service.
Information and choice	19, 20	Information may be delayed 30 minutes, but choices related to the same event must be offered immediately.

Issues	Article	Details
Terminals, designated terminals, and terminal managing bodies	2	Neither terminals nor terminal managing bodies are coherently defined, making it difficult to identify either for enforcement purposes.
		Even where an entity is identified identifies as a terminal managing body, it is unclear when obligations apply to it rather than to the carrier.
	12	Rights depend on designation by a Member State, applied to only 250 of an estimated one million bus and coach boarding and alighting points.
	28(3)	Passengers wishing to complain about a terminal managing body may have to do so to a carrier.
Right to complain	27, 28(3)	Only passengers have rights to complain, even regarding information, which may be a service to intending passengers or those meeting passengers.

Source: Regulation (EU) No 181/2011, analysis based on Support study, Para. 3.245.

5.4.2. To what extent is the Regulation coherent and complementary with other relevant EU legislation and with international obligations?

Other passenger rights Regulations

Although it may not be relevant for passenger rights to be identical for all transport modes, the Regulation displays some differences with other EU passenger rights legislation. Table A6.8 in Annex 6 presents a comparison of the Regulation with other passenger rights Regulations. Inconsistencies may be considered to be limited. Here are some examples:

- Bus and coach passenger rights covers only delays on departure, but not delays en-route or on arrival. For instance, in contrast, both Regulation (EC) No 1371/2007 on rail passenger rights and Regulation (EC) No 261/2004 on air passenger rights refer to long delays at arrival. It has also been suggested that the combination of a 120-minute threshold delay on departure (Article 19(1)) with a service of 250 kilometres or more, in relation to the right to re-routing, is relatively high, for instance as compared to rail (where re-routing is granted in case of delay at arrival/departure of a least 60 minutes).

- Another inconsistency is found in respect to the right to information before, during and after the journey. The Regulation sets a deadline of 30 minutes after the scheduled departure time (Article 20(1)) to inform passengers about the nature of the disruption and the impact on their schedule. While the same deadline is mandated by Regulation (EU) No 1177/2010 on waterborne passenger rights, real-time on-board information is provided for by Regulation (EU) 2021/782 on rail passenger rights, but no deadline exists for air carriers, under Regulation (EC) No 261/2004.

- The length of the delay triggering the right to assistance also differs across modes. Under the Regulation, assistance is offered to passengers in the event of departures delayed by more than 90 minutes (Article 21), whereas different thresholds are established for air and rail (2-4 hours and 60 minutes, respectively), therefore affecting the consistency of the EU legislation on passenger rights.

Another issue, which is the consequence of these inconsistencies, includes the situation where a ticket valid on more than one mode entitles the passenger to different rights on each mode, although such a situation arises relatively.

Directive 2009/103/EC 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 is referred to in recital 4 of Regulation (EU) No 181/2011.

The only area which is common to the two acts is that of liability and compensation in the case of accidents. Indeed, Directive 2009/103/EC specifies minimum levels of cover under carriers' insurance, while Article 7 of Regulation (EU) No 181/2011 specifies minimum levels of compensation in the event of accidents. The Directive contains much more detailed provisions on liable parties, national frameworks and insurance. Importantly, it specifies the minimum cover partly on a per claim basis, irrespective of the number of people affected by an incident, whereas the thresholds in the Regulation are on a per passenger or personal item basis. Apart from this issue relating to thresholds, both acts are coherent with each other.

Regulation (EC) No 1073/2009 on common rules for access to the international market for coach and bus services contains provisions relating to access and authorisation for international coach services within the EU. Although both Regulation (EU) No 181/2011 and Regulation (EC) No 1073/2009 apply to international bus and coach services, there appears to be little overlap between them.

Indeed, Article 11 of Regulation (EC) No 1073/2009 sets out the obligations of carriers, but these relate to service levels, not to passenger rights. Article 16 on cabotage operations requires the rules of the host country to apply with regards to the carriage of PRM passengers. In relation to this minimal overlap between both Regulations, both pieces of legislation are coherent, which was confirmed by stakeholders.

Regulation (EC) No 1370/2007 on public passenger transport services by rail and by road contains provisions in relation to public service contracts (PSCs). While both acts apply to bus and coach services, there appears to be little overlap between them, and Regulation (EC) No 1370/2007 makes no reference to passenger rights other than in its preamble. Competent authorities may use PSCs to impose on performing carriers contractual obligations (related to information, PRM assistance, reimbursement, re-routing or rights to complain) which essentially correspond to passenger rights. Accordingly, and as confirmed by stakeholders, both regulations are coherent with each other.

Directive 2015/2302/EU on package travel and linked travel arrangements (which replaced Council Directive 90/314/EEC) sets out a framework of governance and the obligations of operators in relation to package travel, two or more different types of travel services, combined for the purpose of the same trip or holiday, are provided by one trader under a single contract. A 'package' may also exist where travel services are provided under separate contracts concluded with individual travel service providers (e.g. where these services were purchased from a single point of sale or where they are offered, sold or charged at an inclusive or total price). There is some overlap between the Package Travel Directive and the Regulation in case any part of a package travel contract includes bus or coach transport.

Directive 2015/2302/EU is consistent with the Regulation inasmuch as operators are required to provide re-routing for passengers in the case of disruption, even though the length and nature of disruption is not as clearly defined as in the Regulation.

The rules in relation to provision of accommodation in the case of disruption of the trip appear to be less consistent. The Regulation states in Article 21 that in the case of disruption of journeys of a scheduled duration of more than three hours, operators must provide accommodation, whose length may be limited to a maximum of two nights. Pursuant to Article 13(7) of the Package Travel Directive, in contrast, the organiser shall bear the cost of necessary accommodation for a period not exceeding three nights per traveller. The Directive applies to disruption on any transport mode and provides that accommodation must be provided for longer than three nights if such longer periods are provided for in existing or future Union passenger rights legislation.

However, these differences appear to reflect the different nature of the two services, where scheduled regular coach services publish timetables specifying a departure time to the nearest minute, while most package trips are over multiple days and transport is provided as part of the wider package, operated in different travel modes.

One potential issue arises in relation to occasional coach services. The Package Travel Directive does not cover trips of less than 24 hours, unless an overnight stay is included. On the other hand, pursuant to Article 2(3), most of the provisions of the Regulation do not apply to occasional services. This effectively leaves those passengers without appropriate protection at the EU level.

Directive 2019/882/EU on the accessibility requirements for products and services (the European Accessibility Act). When it will become applicable in 2025, the European Accessibility Act (EAA)[113] will oblige bus and coach operators and terminals to make their homepages, mobile apps, electronic ticketing services, real-time travel information services, ticketing and check-in machines compliant with EU wide accessibility standards specified in the same act. As the Regulation relies on the provision of assistance to PRMs and is not directly related to accessibility of terminals or buses, the EAA complements the Regulation, therefore there are no issues of consistency between the two legislative instruments.

Regulation (EC) No 661/2009 on approval requirements for the safety of motor vehicles lays down technical requirements for buses with a capacity exceeding 22 passengers in addition to the driver, while establishing accessibility requirements for PRM, including wheelchair users. It states that vehicles shall be designed and constructed so as to be accessible by persons with reduced mobility, including space for at least one manual wheelchair. The Regulation does not create any accessibility requirements only referring to the designation of accessible terminals, therefore there are no issues of coherence with Regulation (EC) No 661/2009.

EU consumer policy

The EU programme for consumer action is expressed in the New Consumer Agenda,[114] which has several objectives, including enhancing knowledge of consumer rights,

[113] Directive 2019/882/EU of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70-115).
[114] See https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0696.

strengthening the enforcement of consumer rules through coordinated action, integrating consumer interests into key sectoral policies and empowering consumers through choice, information and awareness. The Regulation is clearly consistent with that policy as it supports the achievement of each of the objectives of the Agenda, in particular through the articles on provision of information and on enforcement and NEBs.

However, potential gaps exist in the Regulation with respect to the principle of non-discrimination between passengers in different locations. For instance, differentiation between bus stops and terminals in practice means that PRM passengers do not receive the same level of assistance at different boarding and alighting points. In addition, the assistance and infrastructure provided at designated terminals is not sufficient at times. The Regulation also does not contain a non-discrimination rule in relation to access to transport on the grounds of gender, ethnic origin, religion, age or sexual orientation, which should be present in order to be in line which other EU interventions.

EU competition policy

Competition policy and passenger rights legislation address different issues, although they both aim at a level-playing field. However, no material inconsistencies between the Regulation and competition law were identified and reported. On the other hand, it is possible that a common framework of rights has helped to establish a level playing field for competing services operated between and within Member States.

United Nations Convention on the Rights of Persons with Disabilities

The Convention on the Rights of Persons with Disabilities (UNCRPD) and its Optional Protocol[115] was adopted in 2006 and entered into force in May 2008. The EU, its Member States and the other four countries examined in the evaluation are all parties to the UNCRPD. It creates therefore a legal obligation on the Member States that have ratified it and on the EU to incorporate accessibility requirements in national and EU legislation.

There is no coherence issue between the UNCRPD and the Regulation, but it must be noted that the Regulation does not create any accessibility requirements, but instead relies on assistance requirements. In any case, the limited scope of the Regulation has not, for now, allowed for the objective of accessibility to be fulfilled. The gap also exists as to the accessibility of terminals and bus stops. So far, the closure of these gaps are left to national law.

[115] https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html

5.5. EU added value

Evaluation questions

5.5.1. What is the added value of this Regulation compared to what could have been achieved at international, national and /or regional level?

The Impact Assessment of 2007 mentioned that "for bus and coach, an international convention had been ratified in the 1990s by only four Member States".[116] Beyond this, it does not seem that any international party sought to take forward an intervention, whether by legal means or through a voluntary framework, before the adoption of the Regulation. The Regulation resulted in some levelling up of the rights available to passengers in national law, although some rights are limited to services of 250 kilometres or more.

As clarified in the baseline,[117] four large and populous Member States – France, Germany, Italy and Spain – did not have pre-existing national passenger rights legislation although, in the absence of the Regulation, France, Germany and Italy might have legislated on passenger rights as part of their process of market liberalisation.

PSO contracts cover the majority of all journeys by bus and coach within the EU, although most of these journeys are on services of less than 250 kilometres and wholly within a region, suburban or urban area, which are specified by the relevant competent authority. For many of these services, the carrier may be the competent authority or its internal operator, who may further subcontract operations to a performing carrier. National law may require, or the competent authority acting as carrier may offer, particular rights, and the conditions of carriage may be consistent across, and include free re-routing between, all the services and modes for which they are responsible. This means that the value which is added by the Regulation may be limited, vary between competent authorities, as well as depend on factors such as the ticket type.

For PRM, nine Member States, including those with the largest transport markets in Europe, had implemented legislation conferring at least some rights regarding travelling by bus and coach. However, this national legislation created no consistent requirement, across the Member States, for transport to be available or accessible, for assistance to be provided, or for these requirements to be met at no additional cost.

Upon the Regulation entering into force in 2013, it was estimated that 15 million passengers required assistance when travelling. Of these 15 million, 4.2 million (28%) were already eligible for assistance from previous legislation available in the nine Member States identified above, whilst the Regulation entering into force extended rights to an additional 10.7 million passengers.[118] All PRM now benefit from a right to transport throughout the EU at no additional cost, trained staff and compensation for loss of or damage to wheelchairs, other mobility equipment or assistive devices, although

[116] UNECE Convention on the contract for the international carriage of passengers and luggage by road (CVR), of 1 March 1973. It has 9 Contracting Parties: Bosnia and Herzegovina, Croatia, Czechia, Latvia, Montenegro, Republic of Moldova, Serbia, Slovakia, Ukraine, and 2 signatories: Germany and Luxembourg, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XI-B-26&chapter=11&clang=_en and https://treaties.un.org/Pages/showDetails.aspx?objid=0800000280043a68

[117] See the support study, Appendix F.

[118] See output of the evaluation baseline as indicated in the support study, Appendix F.

their right to travel is still constrained by what is 'physically possible' - a recognition that the Regulation does not create a right to accessibility.

EU added value may be limited. The 250 km threshold on the provision of basic or extended rights means that much of the extended (or full) rights afforded to passengers under the Regulation are still limited to a minority of passengers. These extended rights include rights in the event of cancellation or delay, additional rights to assistance for passengers with PRM requirements and compensation and assistance in the event on an accident. In 2018, only 7.4%[119] of bus and coach passengers in EU+4 were afforded these extended rights.

5.5.2. What would be the most likely consequences of stopping or withdrawing existing EU intervention? To what extent do the issues addressed in the Regulation continue to require intervention at the EU level?

As noted above, before the implementation of the Regulation, the level of rights for PRM and passengers varied between Member States, competent authorities and contracts.[120] If the Regulation was withdrawn, one possibility is that some of the EU-established passenger and PRM rights in each Member State, competent authority and contract would, to a certain degree, revert to the level they were prior to the implementation of the Regulation. This seems unlikely though, because all Member States have invested in the creation of the institutional framework required to comply with the Regulation, including most notably setting up funding, staffing the NEBs and designating terminals. These developments would otherwise not have been achieved in the absence of the Regulation, and before its implementation at national level since 2013.

It may therefore be considered that:

- It is unlikely that many Member States would set this 'acquis' aside if the Regulation would no longer apply at EU level.
- It is also unlikely that many Member States would conclude that passenger rights should no longer be enforced in the absence of EU legislation.

Given the requirements of international legislation, such a reversal appears particularly unlikely in the case of legislation relating to PRM. No stakeholder indicated that giving up the progress made since the Regulation was implemented would be desirable.

One area where the withdrawal of the Regulation could have a more immediate impact is on international journeys. If rights on international services could only be sustained by Member States making and implementing bi- or multilateral agreements, there is a risk that agreements, if any, could only be reached on the lowest levels of protection considered to be desirable or affordable.

As mentioned above, it is unlikely that Member States would completely remove the provisions of the Regulation from national legislation, although some could remove

[119] Without the exemptions, which were repealed on 1 March 2021, that percentage is estimated to remain below 10%.

[120] The discussion below is based on Steer's detailed understanding of the issues but is necessarily only conjecture.

specific provisions, or reduce the resources available to the NEBs and leave enforcement "to the market":

- On international journeys, rights and enforcement levels would probably decline, unless Member States made bi- and/or multilateral agreements to retain and to enforce them.
- On domestic journeys, there would be a divergence in passenger rights across Member States, competent authorities and carriers, with some pursuing more ambitious standards than others.

This could be compared to the situation where the Regulation would not have been adopted since the beginning. In that case, the framework of rights applying in different Member States would significantly diverge. Some Member States might seek to implement a more ambitious framework, establishing more extensive rights than the current EU legislation, as it is currently the case, while others might only retain some of the existing provisions or possibly weaken them to some degree. The overall impact in these circumstances would be a greater fragmentation and inconsistency and, as a consequence, rights would be diminished.

Competent authorities and carriers have introduced improvements in service quality in recent years, also for reasons including increased competition and parallel developments of digital communication. In this environment, they might continue to meet previously established obligations relating to passenger rights even if they were not obliged to do so by law. In practice:

- Some carriers might conclude that they could reduce costs, and possibly fares, on non-PSO services by reducing the level of protection afforded to passengers. In the airline industry, for example, low-cost carriers have found that many passengers will accept reductions in service quality in exchange for lower fares;
- It seems less likely that competent authorities will reduce any protections offered in their conditions of carriage, except in situations of extreme financial constraints, and even in these circumstances such reductions may be presented as temporary.

However, again, the result would be a divergence in the level of protection between countries, depending on which authorities are competent and which carriers operate, making it more difficult for passengers to determine and exercise their rights.

Overall, while expectations in terms of the quality of the service may have evolved given recent market developments, passengers' needs have not considerably changed since 2011-13, according to most stakeholders. This means that the needs identified at the outset of the intervention are still valid today.

On the other hand, these developments have certainly emphasized the necessity to review the way the current rules are implemented and enforced, as well as how passenger rights could best materialise in practice.

On the basis of the examination of the needs that drove the intervention, Table 5 assesses whether these issues would remain without the current EU framework.

As identified, only a small number of Member States had implemented some kind of bus and coach passenger and PRM rights legislation before the implementation of the Regulation. In principle, while it would be possible to leave the legislation of the passenger rights to Member States, this would be unlikely to result in a consistent application of rights across the EU.

Table 5: Assessment of how passenger needs would be addressed without EU intervention

Passenger need identified	Assessment
Accessible coach travel for PRM, the elderly, with a temporarily disability, and other vulnerable groups	This would be left to Member States, and although some level of accessibility requirements would probably remain in each Member State, that level would be likely to vary, in particular the extent of enforcement,. In some cases, the outcome levels of protection would be below the minimum standards currently required at an EU level.
Protection on death or injury	Minimum levels of cover would continue to be specified by Directive 2009/103/EC but, without the provisions of the current Regulation, compensation for death or injury in the event of accidents would probably be dealt with by Member States' legal systems and carrier policies. While this would be adequate is some cases, in other cases it is likely to depend on the outcome of the ruling in the individual case. Many passengers would probably be deterred from claiming liability through the legal system due to the process and associated costs.
Liability for loss or damage of luggage in the event of accidents	Minimum levels of cover would continue to be specified by Directive 2009/103/EC but, without the provisions of the current Regulation, compensation for loss or damage of luggage in the event of accidents would probably be dealt with by Member States' legal systems and carrier policies. In many cases, this could mean that carriers would limit their obligations to the minimum required by national law.
Consistent rights to complaint handling	The arrangements for complaint handling vary widely, but the Regulation specifies a right to complain. This would be left to Member States, with some keeping the existing framework and others that could repeal or alter it. While the right to complain could remain consistent within some Member States (if was enforced appropriately), it is unlikely that it would remain consistent across Member States.

Source: Support study, Para. 3.263, Table 3.17.

6. CONCLUSIONS

The Commission's impact assessment accompanying the 2008 legislative proposal identified areas in which the protection of passengers' rights in bus and coach transport needed to be strengthened: the rights of persons with disabilities or reduced mobility (PRM), automatic and immediate solutions when travel is interrupted, liability in the event of death or injury of passengers, treatment of complaints and means of redress, passenger information and other initiatives.

Accordingly, the adoption of the Regulation was intended to meet the objectives of: non-discrimination and the provision of assistance to persons with disabilities and persons with reduced mobility; operator liability in the event of death or injury of passengers;

establishing a quality level for standards of services (specifying the information and assistance obligations in case of disruption); complaints-handling procedures; and appropriate enforcement. The Regulation introduced a specific, enforceable framework of rights for passengers when travelling by bus and coach in the European Union, Iceland, Norway and Switzerland.

This evaluation, which began in July 2019, is based on the collection and detailed analysis of published pan-European data and information from stakeholders and other industry sources over a two-year period. Although the quality of contributions from stakeholders can be considered good, the lack of detailed data on the bus and coach passenger transport market complicated the analysis.

The overall conclusion of the evaluation, based on the five key evaluation criteria set out below, is that the Regulation has brought improvements to passenger rights, including PRM rights, especially in Member States which did not have pre-existing legislation in this area. While the objectives of the Regulation have been and are still, to some extent, applicable nowadays, several gaps in the Regulation have hampered their achievement. One of the gaps is the absence of an explicit reference to rights in case of delays en route and on arrival or in case of re-routing of passengers on other routes or operators, or a very limited right to compensation or luggage liability. Moreover, enforcement provisions do not exist for occasional services and a number of provisions could be clarified further, including on the definition of terminals and the concept of comparable conditions.

The most significant of the gaps found through this evaluation is the fact that the Regulation has created only very minimal rights for passengers travelling on scheduled services for distances less than 250 km. In practice, this threshold excludes more comprehensive rights for all domestic journeys in smaller Member States and the vast majority of domestic journeys in others, even in larger Member States. As a result, it was estimated that less than 10% of all the 2018 bus and coach passengers across the EU+4 benefitted from significant passenger rights. This is expected to remain the case to a large extent, even with the end of the exemptions referred to above. Most benefits from the Regulation are therefore concentrated on long-distance journeys, which play a key role in the EU internal market.

The complex enforcement set-up has also created additional barriers to achievement of the expected objectives. Other issues undermining delivery of the Regulation’s expected benefits include: the provisions on terminals, especially but not only in relation to PRM passengers; real-time information; en route and arrival delays; baggage liability in case of theft, loss or damage; the need for improved PRM assistance; occasional services; clarifications of provisions; and improved enforcement, including more intensive monitoring and expanded data collection.

Increased data collection is very important, as the evaluation found that the lack of data (on the number of passengers covered by the Regulation, the number and nature of their complaints, the way complaints are processed and addressed by carriers, etc.) not only

made it difficult to quantify the Regulation's benefits, but also results in less effective application and enforcement across the board.

6.1. Effectiveness

The Regulation created an unprecedented legal framework for the protection of bus and coach passenger rights. Many stakeholders welcomed the existence of a consistent framework of rights across the EU. Moreover, and outside the direct benefits of the Regulation, it resulted in some levelling up of the rights available to passengers at the national level.

However, several issues have hindered the effectiveness of the Regulation:

- The Regulation does not provide for full protection on services of less than 250 km, which account for the overwhelming proportion of bus and coach travel in Europe. There are consequently some significant differences in terms of the rights that are granted to bus and coach passengers, depending on whether they qualify for 'basic' rights or the more 'extended' ones, this difference lying in the 250 km distance threshold provided for by the Regulation. As a result, a significant proportion of passengers only gets minimal protection under the Regulation.

- The possibility of exemptions, provided for in the Regulation up to 1 March 2021, limited until recently the application of important provisions to less than two thirds of Member States. As a consequence, in 2018, only 7.4% of bus and coach passengers in EU+4 were afforded extended rights. With the lifting of the exemptions, the level of protection should now become more uniform across the EU, while the percentage of passengers benefiting from extended rights is expected to increase to near 10%.

- The Regulation's effectiveness is impacted by the legal uncertainty or gaps identified, including the fact that delays at departure are addressed but delays en route and on arrival are not; provisions on occasional services are not enforced; liability for damaged or lost luggage is limited to the occurrence of accidents, and liability for stolen luggage falls outside the Regulation's scope.

- Some provisions remain unclear, such as the definition of terminals (Article 3(m)) / designated terminals (Article 12) and comparable conditions when it comes to a choice between 'continuation or re-routing to the final destination, at no additional cost and under comparable conditions' (Article 19(1)). In addition, there remain difficulties as regards re-routing passengers on other routes or operators, and compensation is linked to ticket price and is only possible if re-routing and reimbursement were not offered to passengers (Article 19(2)).

- While the Regulation requires Member States to designate national enforcement bodies (NEBs), which must take the measures necessary to ensure compliance, it does not specify how they should do so. This leads to different approaches, so different NEBs (the total number of NEBs as notified to the Commission is 98 in the 27 EU Member States and the United Kingdom, Iceland, Norway and Switzerland), deal with different numbers of complaints. Only a small proportion of NEBs have issued penalties, which are

generally infrequent and small, and the overall number of complaints is extremely low but appears to be growing.

- In some Member States, NEBs and other bodies carry out inspections of operators, terminals and other parts of the industry supply chain, with more effective results than in other Member States in which compliance with the Regulation is monitored less proactively.

- Provision of assistance to PRM passengers varies with national legislation, and is constrained by terminals' accessibility, vehicle infrastructure and lack of disability-awareness training for drivers. As regards the network of terminals and bus stops with facilities to support PRM passengers seeking to exercise their rights, only a minority of them are properly equipped and even fewer are designated bus and coach terminals with terminal managing bodies.[121]

- The level of protection is also affected by the extent to which information can be communicated to passengers in accessible languages or media, bearing in mind the fact that passengers' awareness of their rights has remained low.

Finally, the evaluation identified the need for a coordinated approach by NEBs on mass disruption events such as the multiple cancellations of services caused by the COVID-19 crisis, which has had tremendous implications for passengers in terms of ticket reimbursement following the cancellation of transport services at the initiative of the carrier or of public authorities, as well as in terms of reimbursements for journey cancellation by the passenger.

The Regulation did not result in the establishment of comprehensive systems of passenger rights and procedures for monitoring and data collection by the bus and coach industry.[122] Member States took different approaches to meeting the relevant requirements of the Regulation.

6.2. Efficiency

Quantifying the costs and benefits was very challenging for many categories of stakeholders. Many of them had no firm view on whether the costs of the Regulation were proportionate to the benefits, although views varied depending on the category of stakeholder.

Passenger and PRM representatives were mostly positive, with around half stating that the Regulation delivered, or probably delivered, net benefits. Carriers were mostly negative but, in contrast to air service providers consulted on air passenger rights and protection for PRM, bus and coach operators did not argue strongly in favour of lower regulatory costs at this stage of implementation of the Regulation, which may have to do with the fact that enforcement of the Regulation has so far been limited. For passengers, the cost of the Regulation can be approximated as an additional EUR 0.05 to their fare;

[121] See possible attributes of terminals in Table A6.5 in Annex 6.

[122] See support study, Para. 4.16.

this equates to the cost estimated for Regulation (EU) No 1177/2010 on waterborne passenger rights, compared to roughly EUR 5 in air transport.[123] The costs are therefore limited compared with the benefits gained through implementation of the Regulation, although most of these benefits have been restricted to the small group of passengers who travel on the scheduled distance of the service of 250 km or more.

At present, the individual costs and workload of NEBs are relatively low, as they have so far been largely linked to the volume of complaints received, which remained small. For operators, the costs are more substantial than for NEBs, but no strong objection came from operators about disproportionate costs.

The Regulation allows for flexibility in enforcement, reflecting the various national regulatory frameworks in place in different Member States. While this approach means that enforcement relies on national consumer protection or (for PRM) on equality frameworks already in place, thereby reducing the costs of implementation, it also makes complaint handling and enforcement procedures more complex for passengers and other stakeholders to understand and apply consistently across Europe.

This enforcement flexibility, coupled with the fact that depending on the applicable national law some NEBs do not have competence to take binding decisions on complaints, undermines the effectiveness of the Regulation. At system level, the large number of bus and coach NEBs (and ADR bodies) in Europe may lead to duplication of effort while adding complexity. The evaluation found that benefits could probably have been higher if the Regulation had sought to ensure that NEBs acted consistently in interpreting the legislation and issuing penalties. In the absence of case-law, and with many complaints treated on a case-by-case basis, the Regulation may consequently not be interpreted consistently across the EU or even within the same Member State.

6.3. Relevance

The fundamental needs of passengers identified by the Commission's impact assessment accompanying the 2008 proposal for legislation have not significantly changed since the Regulation was implemented. However, there have been substantial changes to the EU bus and coach market, including liberalisation of domestic markets in some Member States, a greater choice of long-distance coach services available, and increased use of digital technology.

The objective of establishing basic quality standards, more consistent handling of complaints and effective monitoring appears to have been partially achieved by the Regulation. However, a number of stakeholders argue that further improvement is required. In that context, the needs of passengers have not significantly changed since the

[123] EUR4.4 in 2018 for the cost of implementation of the Air Passenger Rights Regulation (EC) No 261/2004 (according to the Study on the current level of protection of air passenger rights in the EU - Steer, 2020, Para. 4.30, Table 4.3) and EUR0.55 for the cost of Regulation (EC) No 1107/2006 concerning the rights of persons with disabilities and persons with reduced mobility when travelling by air (see Study on the EU Regulatory Framework for Passenger Rights. Part A, Evaluation of Regulation (EC) No 1107/2006 on the rights of persons with disabilities and with reduced mobility when travelling by air, Para. 3.102; link: https://op.europa.eu/en/publication-detail/-/publication/d8b8bd04-1b4d-11ec-b4fe-01aa75ed71a1/language-en/format-PDF/source-231259999).

Regulation came into force and there are a number of areas where it could better address them.

The objective of non-discriminatory access and assistance to PRM has also been only partially achieved. In addition, the scope of the Regulation excludes the majority of passengers from a more comprehensive protection regime beyond some basic rights, by establishing the threshold of 250 km for it and excluding some types of services. Consequently, the main objective of ensuring an equivalent level of protection and assistance to passengers on bus and coach transport across Member States has not been fully achieved.

Finally, while the Regulation did not anticipate the full effect of technological changes in the bus and coach sector, in particular increasing digitalisation, the Regulation nevertheless remains relevant. In other words, the issues which led to the intervention would remain if the Regulation were not in place, and such protections still remain highly relevant for the passengers.

6.4. Coherence

The Regulation presents some internal inconsistencies, and its scope might be seen as incoherent with its objective of a uniform, high level of protection; it does not apply in its entirety to services on distances of less than 250 km, occasional services and, until 1 March 2021, exempted services. Also, the Regulation established the right of PRM to travel at no additional cost, but several provisions essential to guarantee that right actually do not apply to some services.

As regards external coherence, there are no major inconsistencies with: other EU acts; policies on insurance against civil liability in respect of the use of motor vehicles; safety and security requirements; competition policy; and EU external transport policy. However, passengers using occasional coach services on package trips of less than 24 hours without an overnight stay are not covered by Directive (EU) 2015/2302 nor by most of the provisions of the Regulation. There are also some inconsistencies in relation to the level of passenger rights in other modes, including as regards the definition of delays giving right to compensation.

6.5. EU added value

Many stakeholders suggested that there was considerable value in a common framework of rights throughout Europe, noting that it gave passengers more confidence and security when travelling by bus and coach. Stakeholders also highlighted that the implementation of the Regulation encouraged awareness of the needs of PRM across the Member States. Finally, the Regulation also supports the development of a European-wide market over the medium and long term.

The low number of EU Member States implementing passenger rights legislation before the Regulation came into force suggests that EU-wide legislation has added value, as it introduced a common framework of basic rights throughout Europe where in many cases, few or none existed previously. As a result, it enabled passengers to travel by bus and coach with greater protection and hence more confidence; it encouraged awareness among Member States of the needs of PRM; and it supported the development of a Europe-wide market over the medium to long term. The Regulation has also established a

common framework of enforcement and complaints handling. Removing the Regulation would probably result, at least over time, in a reduction both in the level of rights offered and in the effort put into their enforcement.

ANNEX 1: PROCEDURAL INFORMATION

1. Lead DG, Decide Planning/CWP references

The Directorate-General for Mobility and Transport ("DG MOVE") is the lead DG for the evaluation of the 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 and amending Regulation (EC) No 2006/2004.

The evaluation was registered in the Decide Planning under reference PLAN/2019/5709.

2. Organisation and timing

The *ex-post* evaluation of the Regulation (EU) No 181/2011 prepared in line with the procedural steps set forth under the Commission's Better Regulation Guidelines. The evaluation roadmap together with the context, the purpose and the scope of the evaluation was published on 11 July 2019.

The *ex-post* evaluation of the Regulation on passenger rights in bus and coach transport was performed in cooperation with other interested Commission services coordinated under the Inter-Service Steering Group ("ISSG"), which was established early in the evaluation process for that purpose. The ISSG consists of representatives from Secretariat General (SG), Legal Service (LS), European External Action Service (EEAS), Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs (GROW), Directorate-General for Employment, Social Affairs and Inclusion (EMPL), Directorate-General for Justice and Consumers (JUST), Directorate-General for Neighbourhood and Enlargement Negotiations (NEAR), Directorate-General for Regional and Urban Policy (REGIO), Directorate-General for Communications networks, content and technology (CNECT).

Table A1.1 describes the milestones of the evaluation phase.

Table A1.1 – Evaluation process

Date	Activity
11 July 2019	Launch of the evaluation in the Commission's Decide Planning and publication of the Evaluation Roadmap on the Better Regulation portal
13 September 2019	1st meeting of the Inter-Service Steering Group - outcome of the Roadmap, draft Terms of Reference for the support study, consultation strategy
23 October 2019	Launch of the call for tenders for the support study, under Framework Contract MOVE/A3/2017-257
18 February 2020	Signature of the contract by independent contractor
20 February 2020	Kick-off meeting with contractor – start of the support study
23 April 2020	2nd meeting of the Inter-Service Steering Group - Inception report
3 July 2020	Start of the public consultation
2 October 2020	3rd meeting of the Inter-Service Steering Group- First interim report
23 October 2020	End of the public consultation

1 December 2020	Stakeholder workshop
2 February 2021	4th meeting of the Inter-Service Steering Group – Draft final report
19 March 2021	5th meeting of the Inter-Service Steering Group – Final report
27 July 2021	Submission of the final report of the support study
3 – 31 August 2021	Inter-service consultation on the Staff Working Document

3. Exceptions to the better regulation guidelines

None.

4. Evidence, sources and quality

The assessment takes account of the Regulation impact from when it started to apply nearly eight years ago, until the start of the evaluation in February 2020. Therefore, the analysis does not specifically cover the impact of COVID-19 due to the pandemic outbreak during the course of the support study.

The evaluation findings mainly rely on an external evaluation study carried out by the external contractor Steer which develops through the analysis of the following evaluation criteria: effectiveness, efficiency, relevance, coherence, and EU added value of the Regulation.

The evaluation was completed by additional information gathered by the European Commission. The methodology used to address the objectives of the evaluation consist of a mix of tools, including *inter alia* stakeholder consultation, desktop research, case studies, a workshop and a cost-benefit analysis.

ANNEX 2: SYNOPSIS REPORT OF STAKEHOLDER CONSULTATION

This annex presents the results of the consultation activities undertaken in the context of the *ex-post* evaluation of Regulation (EU) No 181/2011 aimed at identifying performance since adoption.

As set out in the consultation strategy for the evaluation, the objective of the consultation process was to gather the views of stakeholders and collect any evidence on the key implementation issues. The consultation process was based on a programme of field research designed to offer stakeholders the opportunity to provide information and data that contributed to the findings of the evaluation support study, collect stakeholders' views on the outcomes, results and impact of the Regulation, discuss issues arising with the application of the Regulation (and any possible shortcomings, redundancies, overlaps, inefficiencies or inconsistencies), and collect stakeholders' views on whether the Regulation is still fit for purpose as well as any suggested good practices or amendments. For this purpose, the results of a 16-week long public consultation was collected by the Commission, who also participated to the online participatory workshop organized and led by the external contractor. In addition, targeted questionnaires to industry, pilot interviews and targeted interviews were conducted in the context of the external support study.

The scope of the consultation activities focused on assessing the effectiveness, efficiency, relevance, coherence, and EU-added value of the Regulation. The geographic scope of the consultation covered the 27 EU Member States as well as 4 non-EU countries (Iceland, Norway, Switzerland and United Kingdom).

1. Engagement methods and tools

The consultation process consisted of different activities developed through a public consultation as well as targeted consultations.

In addition, the consultation process takes into account the feedback received by the Commission on the evaluation roadmap throughout the third quarter of 2019. Responses were received from twelve organisations in total, including representative organization for PRM rights (EDF), a non-governmental organization, a consumer organization, a NEB (APF), the international representative organisation for road transport (IRU), representative organisation of the industry (UITP), two carriers from the same Member State plus two additional carrier, a ticket retailer, and a provider of mobility as a service (MaaS).

1.1. Questionnaires

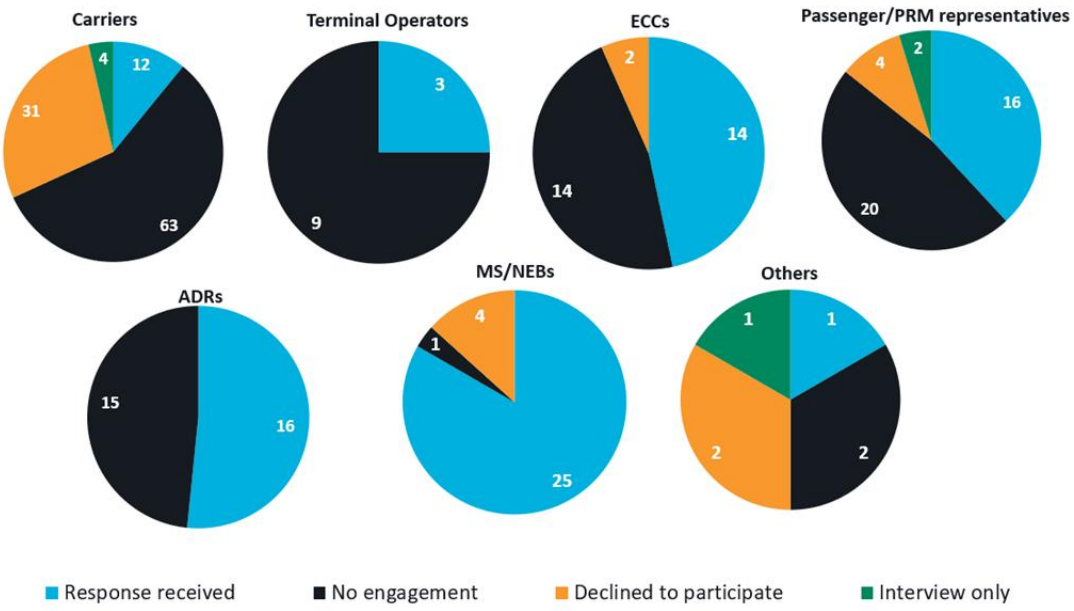
A number of distinct questionnaires tailored to each key stakeholder group was used to collect input from the industry, as well as data and policy views.

Questionnaires and interviews were used as basis for performing specific tasks, including the analysis of the evaluation baseline, the development of the case studies, the development of the country-fiches and, the overall assessment of the evaluation questions. However, a number of limitations were identified: the questionnaires were

lengthy and time consuming for stakeholders to complete comprehensively, this implying that the quality of the responses depended on stakeholders' interest in or exposure to the Regulation.

In total, 87 responses were received through the targeted stakeholder consultation out of 270 questionnaires sent (see Figure A2.1 below). Responses can be indexed by the following stakeholder groups: NEBs, bus and coach carriers, bus and coach terminals, passenger and PRM representatives, European Consumers Centres (ECCs), ADR organisations and a small number of other stakeholders, as shown in this graph:

Figure A2.1: Overview of stakeholder engagement by stakeholder group



Source: Support study, Para. 2.7, Figure 2.2.

1.2. Interviews

A total of 28 interviews were conducted with selected stakeholders to ensure representativeness and diversity of the sample.

Four pilot interviews were completed during the project inception with the following stakeholders: the Appeal Board for Bus, Train and Metro (ABTM) (DK), Bus User Wales (UK), European Passenger Forum (EU) and FlixBus (DE).

In addition, a total of 24 interviews were conducted as part of the evaluation process, including 4 which were used to simultaneously discuss Regulation (EU) No 181/2011 as well as other passenger rights Regulations ((EC) No 1107/2006 and/or (EU) No 1177/2010). Five stakeholders declined, whilst two did not engaged.

Stakeholders who participated to the interviews, including an ADR organisation, NEBs, bus and coach carriers, passenger and PRM representatives are indicated in Table A2.1 below.

Table A2.1 – Stakeholder consultation interviews

MS	Group	Organisation
DE	ADR	Arbitration Board for Public Passenger Transport (SöP)
BE	NEB	Mobility and Transport Federal Public Services (FPS)
DE	NEB	Federal Railway Authority (Eisenbahn-Bundesamt)
AT	NEB	Agency for Passengers and Passenger Rights (APF)
ES	NEB	Ministry of Development (MITMA)
FI	NEB	The Finnish Transport and Communications Agency (Traficom)
HR	NEB	Ministry of the Sea, Transport and Infrastructure
SE	NEB	National Board for Consumer Complaints
EU-Wide	Carrier	Trainline
DE	Carrier	FlixBus
FR	Carrier	BlaBlaCar
RO	Carrier	Dacos
EU-Wide	Carrier	European Passenger Transport Carrier (EPTO)
DE	Carrier	Federal Association of German Omnibus Entrepreneurs (BDO)
ES	Carrier	Confederation of Bus Transport (CONFEBUS)
IT	Carrier	National Association of Road Transport and Travelers (ANAV)
SE	Carrier	Swedish Bus and Coach Federation
EU-Wide	Other	International Road Transport Union (IRU)
EU-Wide	Other	International Union of Public Transport (UITP)
DE	Passenger representative	PRO BAHN
DK	Passenger representative	Danish Consumer Council (Forbrugerraadet Taenk)
EU-Wide	Passenger representative	European Passengers' Federation (EPF)
ES	PRM representative	Spanish Committee of Representatives of People with Disabilities (CERMI)
EU-Wide	PRM representative	European Disability Forum (EDF)

Source: Stakeholders consultation report attached to the Support study, Para. 2.48, Table 2.12.

1.3. Workshop

A full-day participatory workshop with selected stakeholders took place on 1 December 2020. The workshop was led and organised by the contractor, with the European Commission also in attendance. The workshop was conducted entirely virtually via a Zoom teleconference and the discussion mainly centred on three themes: 1) the scope of the Regulation, 2) the industry and the Regulation, and 3) ensuring the Regulation remains fit for purpose.

On the scope of the Regulation, mixed views were expressed, while on the coach industry and the Regulation, a few points related to the definition of terminals, the role of drivers and information provision were raised by participants. As regard the looking forward theme, some articles were identified for further clarification, gaps in legislation outlined and opinions on the role of NEBs shared.

The workshop was attended by 29 organisations in total, including NEBs, bus and coach carriers, bus and coach terminals, passenger and PRM representatives as illustrated in Table A2.2 below.

Table A2.2 - Workshop attendees

MS	Group	Organisation
DE	ADR	Arbitration Board for Public Passenger Transport (Söp)
DE	ADR	Pro Bahn
FR	ADR	Tourism and Travel Mediation (MTV)

MS	Group	Organisation
AT	NEB	Agency for Passengers and Passenger Rights (APF)
BE	NEB	Ministry of Mobility and Transport (FPS)
DE	NEB	Federal Railway Authority (Eisenbahn-Bundesamt)
FI	NEB	Traficom
IT	NEB	Regulatory Authority for Transport (ART)
PT	NEB	Authority for Mobility and Transport
UK	NEB	Bus Users
RO	Carrier	Dacos
EE	Carrier	Lux Express
ES	Carrier	Spanish Confederation of Transport by Bus and Coach (CONFEBUS)
IT	Carrier	National Association of Road Transport and Travelers (ANAV)
EU wide	Carrier	European Alliance for Coach Travel (EACT)
CZ	Carrier	Czech Association of Road Transport Operators (ČESMAD Bohemia)
UK	Carrier	European Passenger Transport Operators (EPTO)
SE	Carrier	Swedish Confederation of Transport Enterprises (Transportföretagen)
DE	Carrier	German Bus and Coach Operators Association (BDO)
EU wide	Other	International Road Transport Union (IRU)
EU wide	Other	International Union of Public Transport (UITP)
EU	Passenger Representative	European Passengers' Federation (EPF)
FR	Passenger Representative	National Federation of Transport Users Associations (FNAUT)
DK	Passenger Representative	Danish Consumer Council (Forbrugerrådet Tænk)
HU	PRM Representative	Association of Persons with Mobility Restrictions in Hungary
FR	PRM Representative	French Confederation For The Social Promotion Of The Blind And Amblyopia (CFPSAA)
LV	Terminals	Riga International Coach Terminal
UK	Terminals	Victoria Coach Station
ES	Terminals	Madrid South Bus Terminal

Source: Stakeholders consultation report attached to the Support study, Para. 2.49, Table 2.13.

1.4. Public consultation

The Commission launched a 16-week long public consultation for the evaluation of the Regulation. The objective of this was to collect the views of the general public and the stakeholders. The public consultation opened on 3 July 2020 and closed on 23 October 2020.

A total of 25 responses were received to the survey. All responses were from contributors from the EU. The Member States with the most responses were: France (4), Austria (3), Belgium (3) and Sweden (3).

2. Analysis of the results

The outcome of the stakeholder consultation process is presented on the basis of the results obtained through the targeted consultation activities – that is to say, targeted questionnaires, interviews and workshop – and the public consultation.

2.1. Results of the targeted consultation

The targeted questionnaires were designed to obtain data and open responses, and drafted to ensure that similar questions were posed to each stakeholder group. It is important to note that stakeholder responses were not analysed using any statistical approaches due to

the highly qualitative nature of the responses received. Therefore, although response rates were closely monitored, the focus was more on the quality, length and detail provided in the responses, rather than the number of responses *per se.*

The majority of responses received were generally well detailed and provided valuable quantitative and qualitative information for the support study. Responses were mostly received within the timeframe agreed with stakeholders. Nearly all responses were supplied in English and there is no evidence that this affected the quality of the submissions.

Interviews proved effective at investigating gaps in the qualitative data and gave stakeholders the opportunity to raise or stress particular points of importance. Overall, the approach to the consultation which includes the steps taken to mitigate the effects of COVID-19 on stakeholder engagement, ultimately succeeded in encouraging open engagement with all stakeholder groups.

National enforcement bodies

Almost all NEBs (25/31) provided a questionnaire response, with some questions left blank by some respondents (this was particularly common for questions on good practice). Overall, the vast majority of NEBs answered questions in detail, therefore, for most questions, it was possible to identify a consensus across NEBs.

With respect to the effectiveness of the Regulation, few NEBs felt confident asserting a position on whether the Regulation had changed the level of protection provided to passengers and PRMs. Just under one-half (13) assessed that the Regulation's key concepts were sufficiently well defined.

Of the 10 NEBs to provide a view, all except for one assessed that the Regulation's efficiency costs are proportionate to the benefits of the Regulation.

On relevance, NEBs assessed that the original objectives of the Regulation remain relevant to the current needs of PRMs when travelling by bus and coach. Nevertheless, the Regulation could be better tailored to account for other passenger concerns.

On coherence, most NEBs judged that the Regulation's provisions were coherent and consistent with one another. Nevertheless, four NEBs disagreed, assessing that the Regulation's provisions on compensation and delay length were not commensurate with that of other transport modes and that the Regulation's scope was too limited.

In terms of EU added value, it was highlighted that passengers have benefitted from the reassurance which a single European framework for bus and coach passenger rights provides. However, a couple of NEBs highlighted that the benefits of the Regulation were muted in their respective countries due to the greater protections afforded to passengers by domestic consumer law. NEBs also highlighted that PRMs are now able to (at least in principle) travel anywhere in Europe without issue and, albeit to a lesser extent, to anywhere in the world.

Bus and coach carriers

All responses received from carriers were detailed with each answering the majority of questions (12 responses were successfully collected from 9 carriers and 3 carrier associations). All of the responses appear to be unique with no clear similarities with other responses.

Carriers had difficulty in forming a view on effectiveness – with only two explicitly providing a view on to what extent the Regulation has improved protections for passengers (one stated no impact; the other mentioned a positive impact). For the rights of PRMs in particular, a consensus emerged across carriers with all of those to express a view (4) agreed that the Regulation has improved the extent to which PRMs are able to travel by bus and coach on equal terms to other passengers. Furthermore, the majority of responding carriers (6) agreed that key terms within the Regulation are sufficiently well defined.

On efficiency, most of those to provide a view (3 of 4) assessed that the Regulation's compliance costs were proportionate to its benefits. One, however, highlighted that digitalisation could be better utilised to accommodate for automatic re-routing.

On relevance, carriers agreed that the priority needs of passengers are similar to those at the time of implementation. However, the extent of technological development and digitalisation is much more prominent than it was when the Regulation was adopted and has gained importance. Furthermore, carriers are divided on whether the distinction between journeys of 250 km or more and journeys of less than 250 kmremains relevant.

On coherence, the majority (4) of carriers to respond stated that the Regulation and its provisions are coherent with one another.

With respect to EU added value, carriers stated that the Regulation provides certainty for passengers and PRMs regarding service quality expectations. Furthermore, they took the view that the Regulation has fostered a more connected approach to passenger rights regulation across Member States.

Bus and coach terminals

Only two responses were received from bus and coach terminals, this ruling out a pan-European consensus for this particular stakeholder group.

On effectiveness, both respondents stated that services provided as a result of the Regulation were already available prior to the Regulation. It was also stated that they believe the key terms within the Regulation are defined to support effective implementation.

With respect to cost efficiency, both agreed that the costs of implementation (compliance, administrative and legal) are proportionate to the Regulation's benefits: a greater level of passenger satisfaction.

On relevance, both stakeholders indicated that the priority needs of passengers travelling by bus and coach are similar to when the Regulation was implemented.

Regarding EU added value, both agreed that value has been added for PRMs via increased pan-European mobility and reliability.

Passenger and PRM representatives

Responses to the targeted consultation were received from a total of 14 passenger and PRM representatives from 8 Member States.[124]

On effectiveness, the majority of responding PRM representatives (4) stated that further changes are required. Furthermore, most stakeholders (6) agreed that progress has been made towards ensuring PRMs are able to travel on equal terms to other passengers. Passengers and PRM representatives also stated that progress has been made with respect to informing passengers of their rights. The majority of responding stakeholders (4) stated that the biggest barrier to the achievement of the objectives of the Regulation arises from the exemptions afforded to Member States.

On efficiency, passenger and PRM representatives agree that the benefits generated by the Regulation outweigh its costs.

In terms of relevance, passenger and PRM representatives agree that the Regulation remains relevant to the priorities of passengers travelling by bus and coach.

On coherence, one PRM representative highlighted that the Regulation is not in line with the UNCRPD which requires transport to be accessible on an equal basis. Furthermore, PRMs are effectively prohibited from travelling to some regions which lack designated terminals. A lack of sufficient protections for multi-modal journeys was also highlighted which would ensure that the rights of passengers and PRMs are protected throughout their entire journeys.

No responses were given regarding EU added value.

European Consumers Centres

Nearly all ECCs which responded with details on complaints (5) had received no or very few complaints relating to the Regulation. Therefore a view on the effectiveness of the complaints handling process could not be provided.

On relevance, a significant majority of ECCs (10) across Member States stated that their decisions are not binding for transport operators and that they cannot award additional damages or compensation beyond what is stated in the Regulation. On coherence, no relevant responses were provided.

[124] DK, EL, FR, HU, IE, IT, PT, SE, and 4 European wide organisations.

Alternative Dispute Resolution organisations

As is the case with ECCs, almost all ADRs with details on complaints (14, excluding Germany, Norway and Austria) who responded had received no or very few complaints relating to the Regulation, and therefore could not provide a view on the effectiveness of the complaints handling process.

ADRs' had no significant comments relating to relevance, efficiency or coherence.

Others

This analysis includes responses given by one independent pan-European, multi-modal transport policy association focussing on the relevance and coherence of the Regulation.

On relevance, it was assessed that the priority needs of passengers as a result of the Regulation are the same as at the time of implementation. It was also noted that the nature of bus and coach travel has changed significantly since the Regulation was implemented due to the emergence of new transport providers, a relatively fast consolidation of carriers in Germany and France, and technological advances.

With respect to coherence, the stakeholder criticised the Regulation's lack of protections afforded to multi-modal passengers. In a similar vein, it was assessed that the focus of the Regulation should be to ensure that the passenger experience is aligned across all modes of transport.

2.1.1 Problematic questions

Significant issues were identified in relation to responses on the effectiveness of the Regulation as well as its EU added value.

Concerning the effectiveness of the Regulation in achieving its general and specific objectives, many stakeholders were unable or unwilling to provide a response. Furthermore, most of stakeholders found it difficult to do so robustly due to a lack of data (both quantitative and qualitative). Nevertheless, it is clear that stakeholders broadly agree that the Regulation has had a positive impact on the achievement of at least some of its objectives (detailed in the previous sections).

In terms of added value, although this question was generally answered correctly by the majority of stakeholders, a small minority misinterpreted the question. Notably, no passenger or PRM representatives responded to this question. However, it is worth saying that those who interpreted the question correctly responded similarly.

2.1.2 Areas of agreement

There were a number of areas of agreement across stakeholder groups widespread across all evaluation topics.

On the internal coherence of the Regulation, both carriers and NEBs judged that the Regulation's provisions were coherent and consistent with one another. Only one carrier

suggested that further clarification may be needed on some provisions to allow the Regulation to be evenly applied and enforced.

With respect to relevance, stakeholder groups (including carriers, NEBs, passenger and PRM representatives, and terminals) agreed that the Regulation remains relevant with the priorities of passengers travelling by bus and coach similar to when the Regulation was implemented.

As regards cost efficiency, the majority of both carriers and NEBs stated that the benefits of the Regulation were proportional to the costs encountered as a result.

2.1.3 Areas of disagreement

There were a number of areas of disagreement across the stakeholder groups but no significant differences of views within stakeholder groups, with the exception of carriers and others.

Concerning the coherence across transport modes, an association representing carriers has indeed highlighted that journeys below 250km are more likely to be local urban multimodal journeys on public transport. These journeys are regulated on a national level and interaction of the Regulation (if extended) would likely result in unforeseen difficulties for passengers. On the other hand, carriers believe that the current thresholds are still relevant to the priorities of passengers.

2.2. Results of the public consultation

The public consultation. A total of 25 responses were received. The largest respondent group was individual EU and non-EU citizens (9); a significant number of responses were also received from carriers (3), NEBs/MS (3) and others (4).

2.2.1 Evaluation criteria

Effectiveness

Overall, many stakeholders (18 out of 25 respondents) assessed that the Regulation had improved the protection of bus and coach passengers at least slightly since the introduction in 2013. This applies to both carriers and passengers.[125]

Stakeholders agreed on several positive impacts of the Regulation.The comments received from respondents include:

- A guaranteed right to assistance as a PRM;
- An even playing field relative to other modes of transport, specifically travel by rail;
- Generally, a simpler and more responsive complaint handling process for passengers;
- A minimum standard of assistance in cases of disruptions which passengers can rely on when travelling within the EU;

[125] See the analysis of the views expressed by stakeholders who took part in the public consultation, Appendix A of the stakeholder consultation report.

- Increased clarity on responsibilities of carriers; and
- An increased awareness of PRMs needs amongst staff due to mandatory disability awareness training, which is also seen across other travel modes.

With respect to the Regulation's negative impacts, different views were identified among stakeholders. One terminal operator noted that the costs of passenger service are increasing as a result of the Regulation's requirements, negatively impacting profitability of terminals. One carrier noted that there is a higher administrative burden as a result of the Regulation. Citizens noted that the Regulation's exemptions make the process of understanding their rights across different Member States complicated.

Efficiency

According to the view expressed by PRM representatives, the benefits included has raised awareness of this category needs during travel, with a positive impact on staff awareness and assistance provided to PRMs on their journeys. Citizens highlighted the benefits of easier complaint handling. Terminals assessed that costs are rising.

Relevance

Respondents to the public consultation have benefitted from the following EU passenger rights: appropriate and comprehensible information on passenger rights, access to transport and specific assistance at no additional cost for PRM, choice between the right to reimbursement, continuation of the journey or re-routing in case of denied boarding for PRMs and any accompanying person, and information provided to PRMs by the travel agent or tour operator about any acceptable alternative service in case their ticket reservation is refused on the ground of their disability or reduced mobility.

There was little agreement on the Regulation's provisions being obsolete. A few responses given to the public consultation stated that the provisions are obsolete, whereas a small number of responses indicated the opposite.

This highlights that there is still further work required to make progress against the original objectives of the Regulation, although a significant majority of the respondents agreed that the Regulation has improved the protection of passengers and PRMs.

Coherence

One PRM representative highlighted how limiting the PRM assistance service to only 'designated terminals' allow Member States to restrict the scope of the Regulation with respect to the rights of PRMs.

EU added value

The public consultation did not focus on the point of EU added value. The only question relevant to this evaluation point was answered positively with 16 of 17 respondents either somewhat or strongly agreeing that European level co-ordination of NEBs is needed.

ANNEX 3: METHODS AND ANALYTICAL MODELS

This Annex is intended to provide detailed information on the approach already described under Chapter 4 of the Staff Working Document, as regards the methods and mix of different models used throughout the *ex-post* evaluation process of Regulation (EU) No 181/2011 concerning the rights of passengers in bus and coach transport.

1. Short description of methodology

The methodology of this evaluation has been developed and structured in light of the key evaluation criteria of effectiveness, efficiency, relevance, coherence and EU added value in order to address the 24 evaluation questions set forth by the Commission at the design stage of the evaluation. The evaluation approach relies on a series of techniques and methods for the data collection and data analysis including evaluation matrix, desktop research, field research and case studies developed in the context of the evaluation support study. The support study took place in parallel with the various waves of the COVID-19 crisis experienced throughout 2020. In agreement with the Commission, the support study went ahead but more time was offered to stakeholders to participate.

Stakeholder consultation

A programme of stakeholder engagement was identified to develop an understanding of the issues arisen since 2011. The approach followed during the consultation exercise was based on pilots interviews, targeted face to face and telephone interviews with at least 60 participants, targeted questionnaires to industry, public consultation and a participatory workshop.

The consultation targeted the following seven stakeholders groups: passenger and PRM organisations, NEBs, bus and coach carriers and representative associations, terminal operators and representative associations, ADR bodies, ECCs and other relevant industry associations (e.g. travel agents).

The NEBs of five Member States declined to participate, whereas one Member States did not participate.

Case studies

The *ex-post* evaluation has been supported by three case studies which addressed the following topics: re-routing of bus and coach passengers facing disruption, provision of information to passengers in the event of disruption of bus and coach services, and passenger rights when the ticket was issued by a party other than that operating the service.

Country-fiches

Country-specific information were presented for each of the 27+4 countries included under the geographic scope of the evaluation. The information provided by the country-fiches focused on national enforcement system (focusing on strength, weakness, opportunity, threat – SWOT) and individual passenger redress procedure (step-by-step description).

Carrier review

A review of selected bus and coach operators' websites was performed in December 2020 and January 2021 with the objective of understanding the carriers' approach to passenger rights and how those are presented to customers. The selected bus and coach

operators included a range of different-sized organisations, located/registered in different Member States as shown in Table A3.1 below. The review was done in December 2020 and January 2021, and therefore reflects information found on these operators' websites during this period.

Table A3.1 – Carrier operators included in the review

Main carriers	Member State
Abildskous Rutebiler	Denmark
ALSA	Spain
Autotrans	Croatia
Avanza	Spain
Biomet	Bulgaria
BlaBlaBus	France
Bus Éireann	Ireland
Citylink	UK
CroatiaBus	Croatia
DeutscheTouring (BusBud)	Germany
Ecolines	Estonia
Express Bus	Finland
FlixBus	Germany
Gråhundbus	Denmark
Intercity Buses	Cyprus
KAPNOS	Cyprus
Kautra	Lithuania
KTEL	Greece
Lux Express	Latvia

Megabus	UK
National Express	UK
Norway BusExpress	Norway
ÖBB Postbus	Austria
Onnibus	Finland
Regiojet	Czechia
Reykjavik Excursions / Flybus	Iceland
Slovak Lines Bus	Slovakia
Union Ivkoni	Bulgaria
Ybuss	Sweden

Source: Stakeholders consultation report attached to the Support study, Para. 2.41, Table 2.4.

Workshop

A participatory workshop was conducted virtually via a Zoom teleconference on 1 December 2020. The full-day workshop was attended by a total of 29 stakeholders from all over the EU+4 including 7 NEBs, 6 PRM and passenger representatives, 3 terminals, 11 operators and 2 ADRs.

The discussion was centred on three themes: pre-notification, safety, and ensuring the Regulation remains fit for purpose. During the workshop, stakeholders were subdivided into three groups and the emerging findings on the five evaluation topics were presented. Afterwards, group discussions took place on three themes: "the scope of the Regulation", "the coach industry and the Regulation" and "looking forward".

Analysis of the evaluation baseline

The analysis of the evaluation baseline aims at assessing the impact of the policy changes introduced by the Regulation over time through comparing the actual recorded performance against a potential scenario without policy intervention. The aim of the analysis was to assess (from 2013 until today) what the situation would have been, had the Regulation or any other EU-level legislation not been implemented. For such reason, the following scenarios were considered:

- the situation regarding passenger rights in 2013 in the 27 Member States, as well as Iceland, Switzerland, Norway and the UK, for passengers within the scope of the Regulation;
- the assumption that the legal framework in each Member State would have remained intact if the Regulation had not been in place; and

- the application of consumer law in each Member State.

The reference year for the analytical approach is 2013. The evaluation of the situation before and after the introduction of Regulation (EU) No 181/2011 was based on data collected for the period 2010-2018.

The impact of the Regulation was estimated on the basis of the data collected and assumptions derived. In particular, it was estimated that between 2010 and 2018 the number of passengers travelling by long distance bus remained relatively constant, the majority of them travelling on a scheduled domestic routes of less than 250km. The proportion of the overall passengers travelling on these routes has declined slightly since 2010. Additionally, around 6% of total passengers were found to be travelling on scheduled domestic services with a journey length of 250km or more. Passengers travelling on non-scheduled services were the second most sizable group, making up approximately 15% of total passengers.

With regard to the application of the Regulation, 81.4% of passengers became eligible for basic rights from the Regulation in 2013, with a further 3.1% also becoming eligible for extended rights. The proportions of overall passengers in Europe eligible for each group of rights remained broadly consistent until 2018, when the proportion of passengers eligible for extended rights increased, consequently reducing the proportion of passengers eligible for basic rights only.

In order to calculate the overall impact of the Regulation, it was necessary to first calculate the number of passengers who were already eligible for PRM assistance from previous Member State legislation. The Regulation extended PRM rights to all passengers with PRM requirements increasing the share of passengers with protection from 28% to 100%. In 2013 this equated to an additional 10.7 million passengers gaining rights from the Regulation, rising to 12.5 million in 2018.

Concerning the right to assistance in case of disruption, passengers eligible for extended rights on their journey became eligible to receive assistance in the event of delay or cancellation, delayed, lost or damaged luggage and personal injury. Of the 9.3 million passengers affected by delays of more than 90 minutes on departure in 2013, 4.9 million passengers (53%) were eligible for assistance from the Regulation in 2013. In 2018 the number of passengers eligible for assistance increased to 10.8 million (95%). Of the 4.5 million passengers affected by cancellation in 2013, 2.6 million passengers (57%) were eligible for assistance from the Regulation in 2013. In 2018 the number of passengers eligible for assistance increased to 5.3 million (93%). Of the 1.8 million passengers who experienced personal injury when travelling in 2013, 1.1 million passengers (62%) were eligible for assistance from the Regulation in 2013 as they were covered by extended rights. In 2018 the number of passengers eligible for assistance increased to 2.1 million (97%).

2. Evaluation matrix

For this evaluation, a number of operational sub-questions were identified to support the development of response to the main evaluation question set out by the Commission in the terms of reference. The evaluation matrix has been further specified and updated through the whole evaluation process.

This section presents the updated version of the evaluation matrix as developed by the Commission through the input of the external contractor. The operational sub-questions are summarised in Table A3.2 below along with the information and analysis used.

Table A3.2 – Evaluation of Regulation (EU) No 181/2011

Operational sub-questions		Methodology
	Effectiveness	

A1.1	How has the Regulation been implemented in practice? What differences are there in levels of protection provided in different Member States?	• The following information from operators of bus and coach services and their agents and corporate customers (ticket retailers, travel agents and tour operators) were requested:
		  ◦ Approach to setting tariffs
		  ◦ Policies relating to provision of information to passengers, including during disruption
		  ◦ Arrangements for assisting PRMs
		  ◦ Arrangements for supporting passengers during long delays
		  ◦ Complaints procedures, including communication to passengers on how to make a complaint and procedures in the event that the carrier and ticket vendor are different parties
		  ◦ Policy and procedures on compensation and re-routing
		  ◦ Wider service quality standards
		  ◦ The extent to which different policies, procedures and arrangements apply to services above and below the 250-kilometre threshold
		• The information received was to be tested/supplemented through a review of information available on the websites of five operators.
		• Stakeholders were also asked about changes in policies and procedures made since 2013 when the Regulation started to apply.
		• In parallel, information were requested to transport ministries and NEBs on changes in the level of protection provided to passengers following implementation of the Regulation and on any instances of a material breach of obligations.
		• NEBs and Passenger and consumer representative organisations were asked for their views on the effect of the Regulation and whether they are aware of differences of approach to implementation in different Member States.
		• This information was used to document changes since implementation of the Regulation and any

		differences in levels of passenger protection across Member States. It also supported the three case studies on passenger rights in bus and coach transport.
A1.2	To what extent do passengers complain of discriminatory treatment?	• Information on the breakdown of complaints from operators, their agents and corporate customers, terminals, NEBs and passenger and consumer representative organisations were requested in order to identify evidence of discriminatory treatment of passengers.
A1.3	How many PRMs travel by bus and coach and how does this number compare with the extent of PRM travel before the Regulation (taking account of any general growth in traffic)? To what extent do PRMs complain of discriminatory treatment?	• Information were requested to operators and terminals on the volume of PRM travel and the share of PRMs in total passengers for 2019 and previous years. This was intended to provide evidence of any overall effect on the propensity for PRMs to travel by bus and coach following implementation of the Regulation. • Shares of PRM travel can be sense-checked against data from the recent Eurobarometer report on passenger rights, which includes information on the share of survey respondents requesting assistance for PRM travel. • Examination of the differences in values reported by different operators and terminals was performed to determine whether there is any relationship between the share of PRM traffic and the level of service offered in each case. This should provide further evidence of any impact on travel behaviour as a result of the provision of assistance to this group of travellers.
A1.4	How many accidents have there been since implementation of the Regulation? What has been the passenger experience of making claims following accidents?	• Operators, NEBs and consumer and passenger representative organisations were asked to provide information on accidents involving vehicles being used to provide passenger services and on the subsequent treatment of passengers. • Based on a review of the information received, common issues concerning difficulties in interpreting, or gaps in, the Regulation were identified.
A1.5	What has been the trend in delays and cancellations since the Regulation was implemented?	• Operators were asked to explain how they define delays and cancellations and how these definitions link to the triggering of protection, in particular assistance and compensation. • Information collected on delays and cancellations from operators by asking them where possible to provide data for the last ten years by category and length of delay (for example, distinguishing between force majeure and other events). • By combining this data with information on the number of passengers by operator and/or route, it

		was planned to produce normalised measures (delays and cancellations per scheduled departure) for comparison over time and between operators.
A1.6	To what extent has the level of compensation paid to passengers changed since the Regulation was implemented?	• Data requested from operators on levels of compensation and costs of assistance provided for the delays and cancellations identified under B1.5. • Compensation/cost of assistance and incident data was planned to be combined to identify trends in the level of compensation and cost of assistance per passenger/passenger-kilometre. This allowed to assess the effects of the Regulation over time and compare effects between operators and Member States. • NEBs and consumer and passenger representative organisations were also asked for their views on the effects of the Regulation on payment of compensation and support during long delays. • Revision of the operator websites was conducted (see B1.1) to identify information on levels of compensation/assistance available in different circumstances. Operators were asked about the extent to which provision for compensation/assistance was made in response to the Regulation.
A1.7	What are the channels available for making complaints? How easy is it to make a complaint? To what extent does this different between operators, terminals and routes?	• Investigation of complaints channels were conducted for a selection of five operators, simulating a mystery shopping process (but stopping short of actually registering a complaint). For each channel (letter, telephone, email, website, app, other), it was assessed the ease of access of relevant contact information (for example, the number of website links before reaching a complaints window), the usefulness of any guidance provided and the number of languages in which it is provided. • The views of consumer and passenger representative organisations were considered on the adequacy and quality of channels for making complaints. The findings from this exercise were planned to be used to cross-check the conclusions of our own review.
A1.8	How many complaints from passengers are handled and how has this changed over time?	• Data were requested on the number of complaints received by operators, terminals and NEBs since the Regulation started to apply in 2013. Complaints volumes will be normalised (expressed per passenger or passenger-kilometre) to enable comparisons both between different organisations and over time. • It was thought that it may have been possible to undertake further analysis of different measures of the quality of the complaints handling process, for example time taken to acknowledge complaints

		and time taken to resolve them, although we are not confident of obtaining sufficient baseline data for comparison.
A1.9	What is the experience of passengers who have sought to exercise their rights/make complaints? Has the experience of passengers changed since liberalisation of long-distance coach markets?	• Revision of the 2020 Eurobarometer report on passenger rights, which includes information on various measures of passenger satisfaction on different transport modes. • Information requested on the actions taken by operators, terminals and NEBs to monitor quality standards any ask them to indicate any key changes following implementation of the Regulation. • Views were gathered from consumer and passenger representative organisations on the experience of passengers using bus and coach transport and how far this has changed since the Regulation was implemented. • Operators providing services in Member States that have recently liberalised their markets were asked whether liberalisation has had any impact on passenger protection, for example as a result of increased competition. • Examples of where the treatment of passengers has been subject to political comment/investigation or adverse press comment were identified and operators and terminals were asked about the extent to which the potential for adverse publicity influences their approach. • Where available, revision of any surveys undertaken by consumer and passenger representative organisations at the EU or national level and identify apparent trends. • Additional evidence from operators, terminals and NEBs on the experience of passengers seeking to exercise their rights were asked, while seeking to infer conclusions from the analysis of complaints under A1.8.
A1.10	What mechanisms do NEBs employ to enforce compliance with the Regulation?	• NEBs were asked to provide information on the enforcement action available to them and examples of enforcement applied in specific cases. • The monitoring by NEB of cross-border services and of services provided by European-wide carriers was considered.
A1.11	How does the experience of bus and coach travel in Europe compare with the experience of travelling in third countries or other regions?	• The protection provided through any relevant legislation or voluntary codes of practice in ten countries was reviewed . • The transport ministries located in these countries were contacted and asked for information on

		their respective frameworks for protecting passengers (including PRMs) using bus and coach transport. • Operators and passenger and consumer representative organisations were asked for their views on how the protection provided in the legislation compares with that provided in other countries. • The information collected should have enabled a systematic comparison of levels of protection.

A1.12	To what extent does the Regulation provide clarity on obligations towards passengers in extraordinary circumstances such as the outbreak of COVID-19 and subsequent government action to contain it?	• The views of all stakeholders on how the obligations in the Regulation should be interpreted in extraordinary circumstances such as those prevailing following the response of national governments to the COVID-19 outbreak were collected.
		• Following a review of the responses, we planned to draw conclusions on:
		  • issues arising
		  • possible policy implications
		  • indicators to monitor with a view to informing future policy initiatives.
		• Note that as it was not be possible to assess the impact of COVID-19 within the timescale of the support study, we did not expect to make firm recommendations in respect of policy changes.

A1.13	Have there been any unexpected impacts following implementation of the Regulation?	• All stakeholders were asked for their views on whether the Regulation has had any unexpected consequences, whether good or bad. They were asked to provide evidence of the link between specific aspects of the legislation and the impacts identified.
A1.14	How is the requirement for non-discrimination applied in practice and how does this compare with its interpretation in other sectors?	• Passenger and consumer representative organisations and NEBs were asked for their views on the extent of discriminatory behaviour. These organisations were asked for a view on how application of the non-discrimination principle varies between sectors. PRM representative organisations will be asked about the extent to which PRMs are subject to particular discrimination. • Information requested on the extent to which operators and terminals invoke other legislation (for example, safety legislation) in order to refuse boarding. Where available, operators were asked to provide information on refused boarding broken down by reason. • Based on a review of this information, the aim was to identify differences of view on the meaning of non-discrimination and the reasons given for treating different passenger groups (including

		PRMs) differently.
	Efficiency	
A2.1	What are the reported costs of compliance and how do these compare with the overall cost base of operators and terminals?	• Data were requested on the costs of compliance with the Regulation from operators, their agents and corporate customers and terminals, noting that it may be difficult for them to disaggregate the costs of complying with passenger rights legislation from broader cost categories, at least in some cases. Where such costs were available, the cost was calculated per passenger value and compare this across organisations. • Cost per passenger data can be set alongside information of the level of service quality provided by different operators and ports/terminals (derived from B1.1 and B1.9) to enable an assessment of how far lower costs might be the result of a lower quality of service. Depending on the quality of data provided, that may have allowed an estimate of the efficient costs of compliance to be made. • Information requested from transport ministries and NEBs on administrative costs incurred by them in implementing and enforcing the legislation.
A2.2	Are the reported costs of compliance consistent with those anticipated before implementation of the Regulation? Are there any aspects of compliance that appear particularly costly compared with others?	• All stakeholders were asked for their views on the most significant compliance costs and on whether these are proportionate to the associated benefits. • Based on the information provided, we seek to draw conclusions on whether compliance costs appear proportionate.
A2.3	Have operators and/or terminals identified any potential cost savings that would not materially reduce passenger protection?	• All stakeholders were asked for their views on how costs might be reduced while ensuring the same level of protection and/or enhanced protection might be provided at the same cost. • Critical assessment of proposals, for example by testing them with different stakeholders during follow-up discussions to gauge reactions from a passenger and supplier perspective. • Operators and terminals were asked whether they have undertaken any analysis of potential cost savings and to share the results.
	Relevance	
A3.1	What level of protection do passengers (including PRMs) seek and how does this compare with the level	• Passenger and consumer representative organisations were asked for their views on passengers' priorities when traveling by bus and coach and on how these have changed since implementation of

	provided before the Regulation?	the Regulation. We also asked them whether the requirements of the Regulation are still well-aligned with passenger needs. PRM representative organisations were asked to explain the particular needs of different groups of PRMs. • Views of operators, terminals and their agents and corporate customers on how the level of protection for passengers (including PRMs) currently offered in comparison with that provided before implementation of the Regulation and/or how it has changed over time. • This information was planned to be used to assess how far the Regulation continues to capture passenger needs. It was considered alongside information on changing technologies obtained under B3.2.

A3.2	What technological advances have been made since 2011 that change the travel experience for passengers (including PRMs)? Have operators and terminals made use of these?	• All stakeholders were asked for views on (1) how technology has changed the way in which passengers plan and make journeys by bus and coach and (2) how it has enabled the industry to better respond to passenger needs. We asked stakeholders to consider the effects of:
		  • General technological improvements affecting all passengers using bus and coach transport (for example, changes in communication technology);
		  • Specific technological developments in the sector (for example, affecting vehicle specification or terminal design); and
		  • Technological developments directly affecting PRMs, such as changes in wheelchair design.
		• Stakeholders were also asked for any relevant reports or trade press articles illustrating the application of technology to support the desk research.
		• This information was planned to enable us to draw conclusions about how technology has changed the travelling environment for passengers (including PRMs) and whether there are any implications for the Regulation.

	Coherence	
A4.1	Is there any evidence of difficulties in interpreting individual provisions in the light of others?	• Operators, their agents and corporate customers, terminals, NEBs and transport ministries were asked to indicate any difficulties in interpreting the Regulation. • We also undertook desk research to identify any infringement issues that might indicate loopholes

		of lack of clarity. • The findings were used to prepare a systematic analysis of gaps and inconsistencies in the legislation.
A4.2	Are there any aspects of passenger bus and coach travel that are not addressed by the Regulation?	• All stakeholders were asked to respond to this question, but we also drew on the findings under A1.9 and A3.1 to undertake the analysis.
A4.3	Have there been any cases under competition or consumer legislation raising issues of passenger rights? How were these resolved and what were the implications for the Regulation?	• Information requested from NEBs and operators on cases of which they are aware and examine any published conclusions of regulators and courts where available. • These stakeholders were asked for the views on whether the outcome of specific cases has created any anomalies or otherwise appeared inconsistent with the requirements of the Regulation. • This evidence was supplemented, where possible, with legal commentary on the interaction of the Regulation and domestic competition and consumer legislation.

A4.4	What are the specific requirements of the international regulatory framework applying to bus and coach travel? How do these compare with the requirements of the Regulation?	• The following legislation was reviewed:
		  • Other EU legislation, including Directive 2015/2302/EU on package travel and linked travel arrangements, Regulation (EC) No 2006/2004 on enforcement of consumer protection laws repealed by Regulation (EU) No 2017/2394 on Consumer Protection Cooperation (CPC) and Regulation (EC) No 661/2009 on approval requirements for the safety of motor vehicles.
		  • Relevant international regulatory frameworks, including the UN Convention on the Rights of Persons with Disabilities.
		  • We also undertook desk research into legal commentary on the legislation and its relationship with other regulatory frameworks.
		  • Based on the review, we compared and contrasted different requirements and identify any apparent inconsistencies between the Regulation and other frameworks.

A4.5	Have stakeholders identified any inconsistencies between international rules and the Regulation?	• All stakeholders were asked for their views on inconsistencies between the Regulation and the wider legal and regulatory framework. They were also asked to give examples of specific cases in which courts have considered inconsistencies or other issues of potential relevance to the

		Regulation.
	EU added value	
A5.1	To what extent is protection for passengers now embedded within the operational practices of operators and terminals?	• Information on relevant operating procedures and training material were requested from operators and terminals.
A5.2	How important is passenger protection to operators in terms of revenue and reputation?	• Operators, their agents and corporate customers and terminals were requested about the importance of demonstrating protection of passengers' interests in establishing their reputation. • Information obtained under A1.9 on adverse press comment to gauge the impact of such comment on reputation was taken into account.
A5.3	Was there any national legislation in place before the Regulation?	• Transport ministries and NEBs were asked to provide information on any national legislation in place before the implementation of the Regulation as well as any supplementary legislation introduced subsequently. • Based on this information, it was assessed the extent to which national regulatory frameworks in different Member States might substitute for the provisions of the Regulation.

Source: Support study, Appendix A, Para. A.1, Table A.1.

3. Limitations and robustness of findings

An important limitation of the analysis lies in the difficulties encountered to quantify the benefits of the legislation with any precision. There is indeed little accurate and up-to-date information on the overall size of the market affected by the Regulation as well as on the number and profile of passengers benefitting from it.

However, the inputs obtained from a range of stakeholders, including NEBs and major European carriers groups, along with the data collected from recognised industry sources resulted in a balanced set of inputs on which the analysis was based. Where possible, suitable assumptions generated from gravity flow models, or obtained from other parallel evaluations where data is more comprehensive were used to best represent the bus and coach market as well as costs of complying with the Regulation.

Member State reporting

The findings on the number of complaints made and any penalties issued due to non-compliance with the Regulation built on the biennial NEB reports, from which all information concerning the impact of the Regulation was also extracted.

However, some reports did not contain this information and instead it was necessary to obtain this via the stakeholder consultation exercise.

Stakeholder consultation

The stakeholder consultation exercise was performed through the use of a variety of tools to collect evidence, including the public consultation, detailed targeted questionnaires, interviews, a stakeholder workshop and targeted data requests.

Overall, the majority of responses received were generally well-detailed and provided valuable quantitative and qualitative information for the support study. Interviews proved effective at investigating gaps in the qualitative data and gave stakeholders the opportunity to raise or stress particular points of importance.

However, a number of limitations were observed:

- not all the NEBs, of which the Commission has been informed, have provided responses to the questionnaires or other data;
- not all stakeholders were able to send responses in time although additional time was offered for those who highlighted it as an issue;
- stakeholders were not always able to share the data that was asked for in the questionnaires, often because this data was unavailable to them as well.

Data collection

Significant limitations to the quantity and quality of data available were identified. Bus passengers at total level are not available from Eurostat. This may arise from the significantly more complex network of routes and stops on bus networks, as well as ticketing methods, which make it considerably more difficult to account for all journeys as well as their origin and destination.

Some Member States statistical institutions do collate data covering the bus and coach transport in their respective markets, however methods of collation and disaggregation of data are inconsistent across all Member State.

It was necessary to construct a model to estimate journey lengths given that neither Member States statistical sources nor NEBs collated data on the different rights for passengers depending on the nature of the services (scheduled vs no-scheduled) or the two-tiered threshold (services below 250 km or equal to 250 km or more).

The Special Eurobarometer 485 survey on passenger rights[126] provided some core inputs to the evaluation, including proportions of passengers: requesting PRM assistance; experiencing a delay of 90 minutes or more; and experiencing a cancellation.

Impact of COVID-19

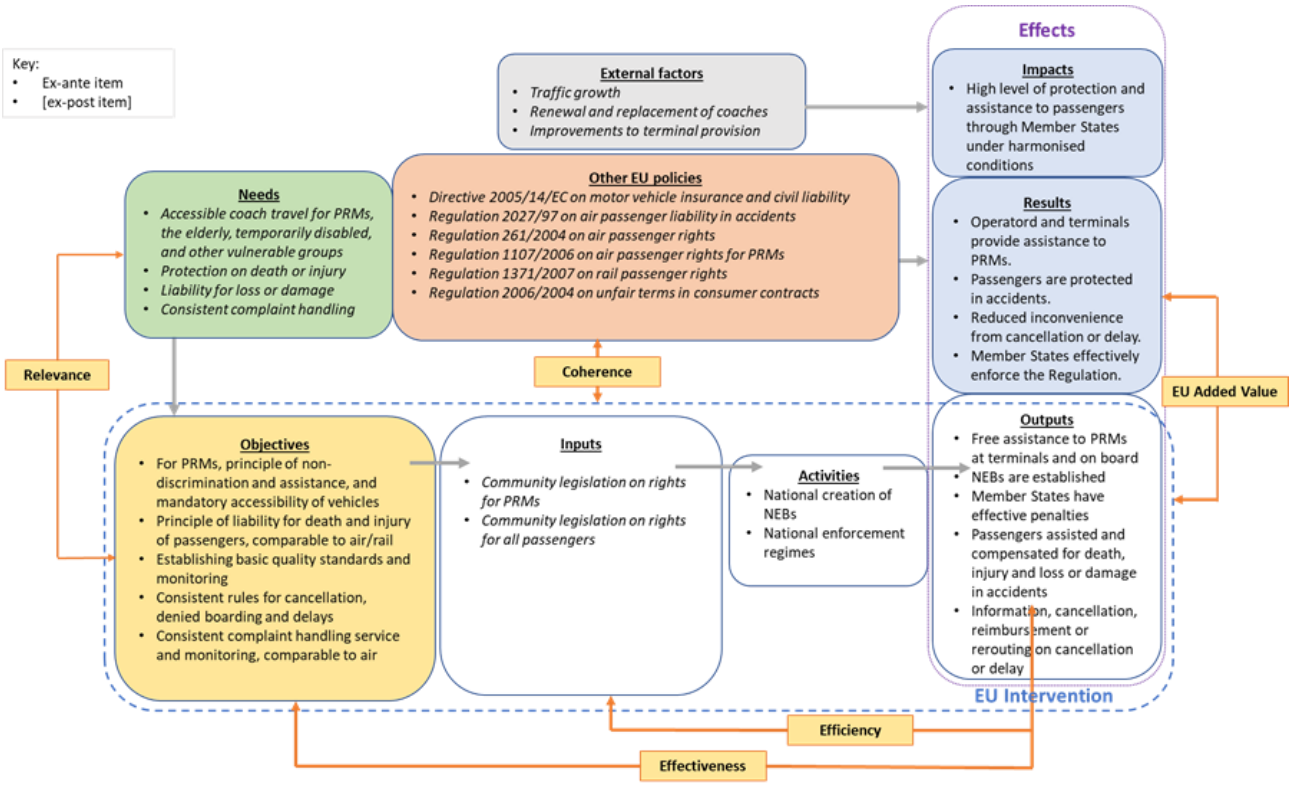
The most important impact of COVID-19 has been delayed responses from stakeholders. More consultation time than originally planned was provided which allowed stakeholders to still send detailed and meaningful responses, although the questions asked were not altered due to the pandemic. A question was added to ensure views on all aspects of COVID-19 could be collected.

[126] Special Eurobarometer 485 - Passengers rights - Data Europa EU

ANNEX 4: REVIEW OF THE INTERVENTION LOGIC

The *ex-ante* intervention logic is summarised in Figure A4.1. The five key evaluation criteria of effectiveness, efficiency, relevance, coherence and EU added value are also presented below.

Figure A4.1: Simplified intervention logic and the five key evaluation criteria



Source : Support study, Appendix B, Para. B.19, Figure B.1.
Note: This diagram does not refer –in section on "other EU policies"- to Regulation (EU) No 1177/2010 on waterborne passenger rights, as the latter started to apply only in December 2012.

Key policy elements identified by the 2008 Impact Assessment

The key policy elements identified by the Impact Assessment accompanying the 2008 legislative proposal are presented in Table A4.1.

Table A4.1: Key elements of the proposed policies

Key elements	Content
Principle of non-discrimination and assistance to people with disability	Non–discrimination clause: reservation cannot be refused on the ground of disability/reduced mobility
	Assistance with embarking/disembarking/interconnecting
	A requirement to provide notification in good time; failing such notification, the operator would have to make reasonable efforts to provide assistance
	Mandatory transport of mobility equipment
	Care facilities at coach terminals
	Travel information in the required format
	Physical assistance at any stage
	Mandatory accessibility of buses and coaches

Key elements	Content
Principle of liability of the operators in the event of death or injury of passengers	Harmonisation of liability system across the EU
	Unlimited liability in case of death and injury
	A liability system comparable to that in air, rail and maritime transport with regard to death or injury of passengers
	Claims up to a certain amount cannot be contested
	Advance payments in the event of death or injury
	Strict liability up to the amount comparable to air/rail transport in the event of loss of or damage to baggage
Establishment of basic quality standards and monitoring	Establishment of quality standards at the EU level
	Monitoring of compliance with quality standards
	Defining the set of information that should be available to passengers
	Improvement of access to information on conditions of carriage and fares
Cancellation, denied boarding and delays	Compensation for cancellation: refund of ticket price and compensation related to ticket price or length of journey
	Assistance: meals, refreshments, accommodation
	Return service to the first point of departure at the earliest opportunity
	Continuation or re-routing to the final destination (under comparable transport conditions)
	No compensation scheme, only the obligation of bus and coach carriers to provide assistance
Complaint handling service and monitoring	Existing regulatory mechanisms plus consumer feedback
	Air transport model
	Operators to keep a file of all complaints received
	Quality standards certificate
	Independent institution at EU level

Source: SEC(2008) 2954.

ANNEX 5: COSTS – BENEFITS IDENTIFIED IN THE EVALUATION (OVERVIEW)

A cost-benefits analysis of the Regulation has been conducted over the period 2013-2018 and was based on the Standard Cost Model (SCM). The SCM allows to address the costs of the Regulation for Member States (NEBs), industry stakeholders and passengers, including PRMs. All values were presented in 2018 prices.

The total costs associated with the Regulation were estimated to be EUR 739 million (2018 prices). The primary benefit of the Regulation refers to persons with disabilities and persons with reduced mobility, now able to benefit from their rights to free movement, freedom of choice and non-discrimination, contrary to the previous situation. In addition, operators can benefit from increased revenues from ticket revenues derived by the Regulation and estimated to be EUR 14 million (2018 prices).

The overall cost of the Regulation, resulting from the difference between costs and benefits, can be estimated as being EUR 725 million (2018 prices), of which the cost of processing complaints makes up the majority (92%). Table A5.1 shows an overview of the costs and benefits resulted by the adoption of Regulation (EU) No 181/2011.

Table A5.1 – Overview of costs and benefits identified in the evaluation of Regulation (EU) No 181/2011 over the 2013-18 period

I. Overview of costs – benefits identified in the evaluation (EUR million, 2018)						
		Citizens/Consumers	Operators	NEBs	PRM passengers	
		Quantitative / monetary	Quantitative / monetary	Quantitative / monetary	Qualitative	Quantitative / monetary
Administrative	NEBs' administrative costs	0	0	32		0
Compensation and assistance in the event of accidents	No additional costs/benefits versus the prior legislation	0	0	0		0
Rights of persons with disability and persons with reduced mobility	Assistance costs incurred by operators	0	- 11	0		0
Passenger rights in the	Costs of providing assistance to in	0	- 11	0		0

event of cancellation or delay	scope passengers in the case of cancelled or delayed departures					
Claims	Cost of time concerned with making/processing complaints	- 122	- 563	0		0
Sanctions	Costs of sanctions issued by NEBs	0	- 0.2	0		0
Benefits	Monetary benefits for operators due to increased ticket revenues / Social benefits for PRMs	0	14	0	Very High	0
TOTAL		- 122	- 571	- 32		0

Source: Support study, Appendix H, Para. H.5, Table H.1..

ANNEX 6: TABLES AND FIGURES

Table A6.1: National enforcement bodies (NEBs) of which the Commission has been informed

MS		Number of NEBs notified to EC	Single bus and coach NEB in the MS	Single multimodal NEB in the MS	Subdivision of NEB roles, where this is relevant
AT	Austria	1	✓	✓	
BG	Bulgaria	1	✓	✓	
CY	Cyprus	1	✓	✓	
DE	Germany	1	✓	✓	
EE	Estonia	1	✓	✓	
FR	France	1	✓	✓	
HR	Croatia	1	✓	✓	
HU	Hungary	1	✓	✓	
IE	Ireland	1	✓	✓	
IS	Iceland	1	✓	✓	
IT	Italy	1	✓	✓	
LU	Luxembourg	1	✓	✓	
MT	Malta	1	✓	✓	
NL	Netherlands	1	✓	✓	
PT	Portugal	1	✓	✓	
LV	Latvia	1	✓		
RO	Romania	1	✓		
SI	Slovenia	1	✓		
DK	Denmark	2		✓	Consumers, other complainants
LT	Lithuania	2		✓	Complaints, enforcement
EL	Greece	2			
NO	Norway	2			
SK	Slovakia	2			
BE	Belgium	3			International central, domestic by region

FI	Finland	3			Consumers, collective cases, business
SE	Sweden	3			
UK	UK	7			National, regional, and where devolved
CZ	Czechia	16			International central, domestic by region
PL	Poland	17			National, regional, local
ES	Spain	20			National, regions
CH	Switzerland	1		✓	

Source: European Commission list of NEBs. NEB responses in the context of the Support study, Para. 3.35, Table 3.2.
Note: The European Commission may not have been informed of all bodies with duties of NEBs.

Table A6.2: Examples of national enforcement bodies (NEBs) in different Member States

Type of body	Member State(s)	Issue
Consumer protection body	Slovakia	Consumer protection bodies handle general consumer affairs, but may be widely known to citizens and residents.
Dedicated passenger rights body	Austria	Agentur für Passagier- und Fahrgastrechte (AFP, Agency for Passenger Rights) is the single NEB for air, rail, waterborne and coach transport.
National bodies	Czechia	Separate NEBs for each mode. For bus and coach, international travel is covered by a national body, but domestic travel is covered by 15 regional bodies.
	Finland	Three different bodies deal with: collective complaints; private complaints; and business complaints.
	Netherlands	Inspectie Leefomgeving en Transport (ILT, Human Environment and Transport Inspectorate) acts as NEB for all modes. It operates from separate offices in The Hague (air) and Utrecht (bus and coach).
Regional bodies	Poland	17 regional bodies for bus and coach + a central body.
	Spain	20 regional bodies for bus and coach.+ a central body (Ministerio de Fomento)
Road transport authorities	United Kingdom	Separate regional bodies for England, Northern Ireland, Scotland and Wales. Separate complaints handling body services in London and Victoria Coach Station.

Source: Support study, Para. 3.37, Table 3.3.

Table A6.3: Enforcement approach of selected NEBs

MS	Handles individual cases?	Enforcement activities	Monitoring activities	Other activities	Max. fine	Total sanctions issued?
BE	Yes	Investigates infringements; Issues official warnings Issue financial sanctions	No information provided by NEB	No information provided by NEB	EUR 25,000	✗
BG	Yes	Investigates infringements of the Regulation; Commences sanction procedures	No information provided by NEB	Issue operator licenses	No information provided by NEB	✗
CZ	Yes	Issues sanctions	Carries out inspections	Oversight and regulation of road transport	No information provided by NEB	72, but they may not all relate to the Regulation

MS	Handles individual cases?	Enforcement activities	Monitoring activities	Other activities	Max. fine	Total sanctions issued?
DK	No, only as evidence of infringement	No information provided by NEB	Oversight and monitoring of compliance with the Regulation	No information provided by NEB	No information provided by NEB	✗
DE	No, only as evidence of infringement	Commence administrative proceedings against non-complaint operators	Oversees and monitors of compliance with the Regulation	No information provided by NEB	EUR 30,000	1, EUR 1,000
EE	Yes (ADR is part of the NEB)	Issue of precept (order) requiring an operator to comply with the regulation Issue sanctions if an operator does not comply with a precept	Oversees and monitors of compliance with the Regulation	No information provided by NEB	EUR 6,400 for infringement by a legal person. EUR 1,300 for infringement by a natural person.	✗
IE	No, only as evidence of infringement	Commencing criminal proceedings against operators who infringe the Regulation	Oversees and monitors compliance with the Regulation	Licensing public transport	EUR 4,000 per conviction	✗
EL	Unclear	Initiates a sanctions procedure (it is not clear how sanctions are issued)	Supervisory activities to monitor compliance with the Regulation	No information provided by NEB	No information provided by NEB	✗
ES	Yes	Handles passenger complaints; Issues sanctions	No information provided by NEB	No information provided by NEB	EUR 4,000	21
FR	Yes	Imposes sanctions on operators who do not comply with the Regulation	Monitors and oversees of compliance with the Regulation	No information provided by NEB	EUR 45,000 if by a legal person against a PRM. EUR 15,000 if by a legal person otherwise. EUR 9,000 if by a natural person against a PRM. EUR 3,000 if by a natural person otherwise.	✗

MS	Handles individual cases?	Enforcement activities	Monitoring activities	Other activities	Max. fine	Total sanctions issued?
HR	Yes	Imposes sanctions (unclear if it can be done directly by NEBs or through court process)	Monitors and oversees of compliance with the Regulation	No information provided by NEB	No information provided by NEB	✗
IT	Yes	Initiates proceedings and assess passengers' complaints in order to identify any breaches of the obligations laid down in the Regulation; Assesses any infringements of the provisions of the Regulation and impose the penalties provided for in the Legislative Decree.	Carries out monitoring and inquiry activities on bus and coach services;	No information provided by NEB	No information provided by NEB	25, total EUR 46,950
CY	Yes	Issues fines in the case of non-compliance	Carries out inspections to monitor compliance	No information provided by NEB	No information provided by NEB	No information provided by NEB
LV	Yes	Issues contractual penalties on operators (under PSO's) who do not comply with the Regulation	No information provided by NEB	Suspends or revokes operators' licenses who do not comply with the regulation	No information provided by NEB	✗
LT	No, only as evidence of infringement	Imposes sanctions for non-compliance	Carries out inspections	No information provided by NEB	EUR 140	2
LU	Yes	Refers an operator to the tax authority for sanctions to be issued, in the case of non-compliance	Monitors and oversees compliance with the Regulation	No information provided by NEB	No information provided by NEB	✗
HU	Yes	Commences administrative procedures against operators who do not comply	Monitor and oversee compliance with the Regulation	No information provided by NEB	EUR 2,800	60

MS	Handles individual cases?	Enforcement activities	Monitoring activities	Other activities	Max. fine	Total sanctions issued?
MT	Yes	Investigates potential infringements of the Regulation; Commences judicial proceedings against operators who do not comply	No information provided by NEB	No information provided by NEB	EUR 47,000, with an additional per-day penalty in the case of continuing non-compliance	✗
NL	Yes	No information provided by NEB	No information provided by NEB	No information provided by NEB	No information provided by NEB	No information provided by NEB
AT	Yes	Handles individual complaints as an ADR body Investigate complaints as evidence of non-compliance with the Regulation; Commences administrative charges against operators who do not comply with the Regulation	No information provided by NEB	No information provided by NEB	EUR 7,267 per infringement	✗ Procedure was begun once but discontinued
PL	Yes	Commences administrative procedures against operators who do not comply	Monitors and oversees compliance with the Regulation	No information provided by NEB	No information provided by NEB	✗
PT	Yes	Refers operators who do not comply with the Regulation to local transport authorities for sanctions to be issued.	Carries out inspections and audits of operators to ensure compliance	No information provided by NEB	No information	No information
RO	No, only as evidence of infringement	Issues fines on operator who infringe the Regulation	Carries out inspections and roadside monitoring	No information provided by NEB	EUR 1,500	3 sanctions have been imposed
SI	No, only as evidence of infringement	Information from the fiche: inspections and sanctions	No information provided by NEB	No information provided by NEB	No information provided by NEB	No information

MS	Handles individual cases?	Enforcement activities	Monitoring activities	Other activities	Max. fine	Total sanctions issued?
SK	Yes	Resolves individual complaints as an ADR body; Issues sanctions against operators who do not comply with the Regulation	Oversees and monitors compliance with the Regulation (through inspections)	No information provided by NEB	No information	✗
FI	Yes (but there are two other NEBs)	One NEB can act as an ADR body to resolve individual complaints. The remaining two NEB's can carry out system-level supervision and issue sanctions	No information provided by NEBs	No information provided by NEBs	No information	✗
SE	No. Individual complaints are referred to the Swedish Consumer Centre	Referrs cases of non-compliance to the Consumer Ombudsman for sanctions to be imposed	Monitors and oversees of compliance with the Regulation	No information provided by NEB	No information	✗
UK	At least one UK NEB can handle individual complaints	Issues sanctions against operators who do not comply with the Regulation	No information provided by NEB	Issues and monitors operating licenses	GBP 550 per vehicle, or 10% of annual turnover	1, EUR 257.70
IS	Yes	No information	No information	No information	No information	No information
NO	No	Issues sanctions against operators who do not comply with the Regulation	No information provided by NEB	Supervises and monitors operators	No information	✗
CH	No information	No information	No information	No information	No information	No information

Source: Support study, Para. 3.41, Table 3.4.

Note: information based on declarations by NEBs, covering the period 2013-2019.

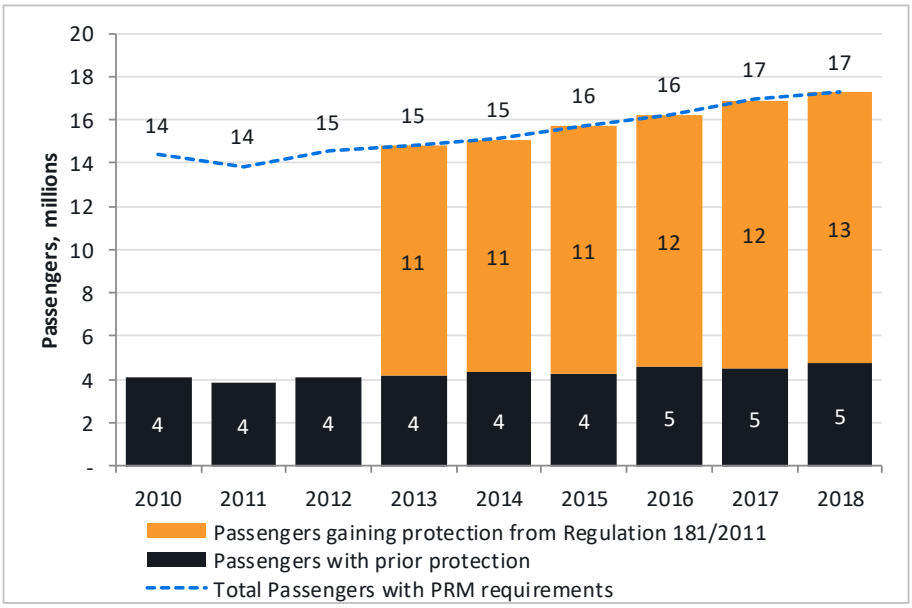
Table A6.4: Nature of NEB decisions

Member State	Are NEB decisions binding
Belgium	Not directly binding, but the NEB has indicated that it may impose sanctions in a situation where an operator does not resolve a complaint with a passenger
Bulgaria	It is not clear whether decisions on individual cases are binding, but the NEB has indicated that an individual case could lead to sanctions being imposed
Czechia	Decisions are not binding

Denmark	The decisions of both NEB's, in respect of individual cases, are non-binding
Germany	The NEB does not determine or suggest an outcome for individual cases
Estonia	NEB decisions are non-binding
Ireland	NEB decisions contained within notices are legally binding, and failure to comply is a criminal offence. Any other decisions are non-binding.
Greece	No information provided
Spain	It is not clear whether NEB decisions are binding
France	No information provided
Croatia	NEB decisions are non-binding
Italy	The NEB may not suggest the outcome to individual disputes
Cyprus	It is not clear whether NEB decisions are binding
Latvia	It is not clear whether NEB decisions are binding
Lithuania	The NEB does not deal with individual complaints
Luxembourg	NEB Decisions are binding, but operators may lodge a formal objection at the administrative court.
Hungary	NEB decisions are binding
Malta	NEB decisions are binding
Netherlands	No information provided
Austria	NEB decisions are binding if they are accepted by both parties, otherwise they are non-binding.
Poland	NEB decisions are binding
Portugal	Some NEB decisions are binding
Romania	It is not clear whether NEB decisions are binding
Slovenia	It is not clear whether NEB decisions are binding
Slovakia	NEB decisions are non-binding
Finland	The decisions of any of the three NEB's in respect of individual cases are non-binding
Sweden	The decisions of the two Swedish NEB's are non-binding
United Kingdom	The decisions of Bus Users UK are non-binding. It is unclear whether the decisions of the Traffic Commissioners are binding.
Iceland	NEB decisions are binding
Norway	The NEB does not deal with individual complaints
Switzerland	No information provided

Source: Support study, Para. 3.53, Table 3.6.

Figure A6.1: Passengers with PRM requirements– EU27+4



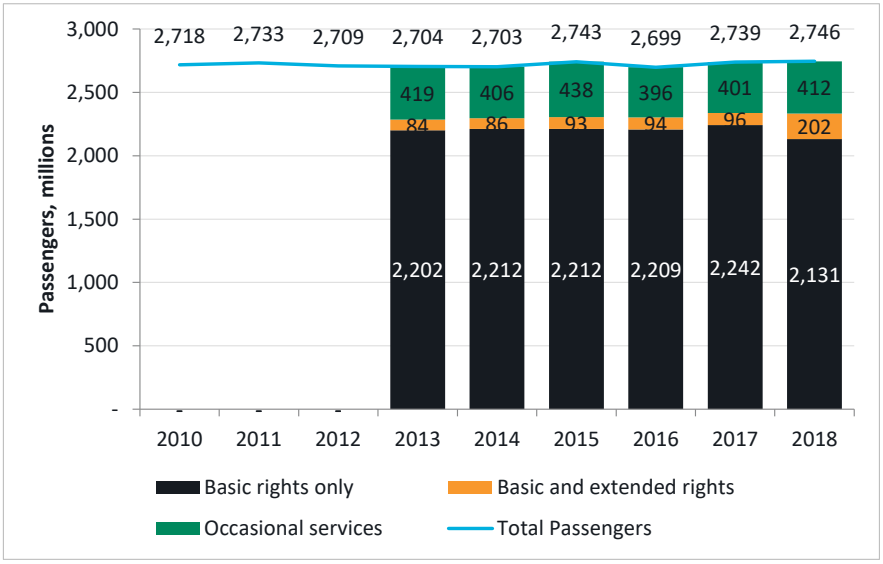
Source: Support study, Appendix F, Para F.105, Figure F.8.

Table A6.5: Possible attributes of terminals

Features	Details	Benefits PRMs	Benefits others	Trends
Regulation definition	Check-in counter			Rarely provided
	Managing body			Management may be by several bodies but not focused on coach
	Ticket office	✓	✓	Declining use, important to some
	Staff	✓	✓	Many have limited roles
	Waiting room	✓	✓	Probably a critical feature
Core	Heating/air conditioning	✓	✓	
	Covered boarding bays	✓	✓	
Beneficial	Perceived security	✓	✓	
	Connections	✓	✓	
	Toilets	✓	✓	
	Refreshments	✓	✓	
	Shops	✓	✓	
	Accessible	✓	✓	
Regulation requirement at designated terminals	Accessible information	✓	✓	Often available on a smartphone
	PRM meeting point	✓		
	PRM assistance	✓		Often available from coach driver

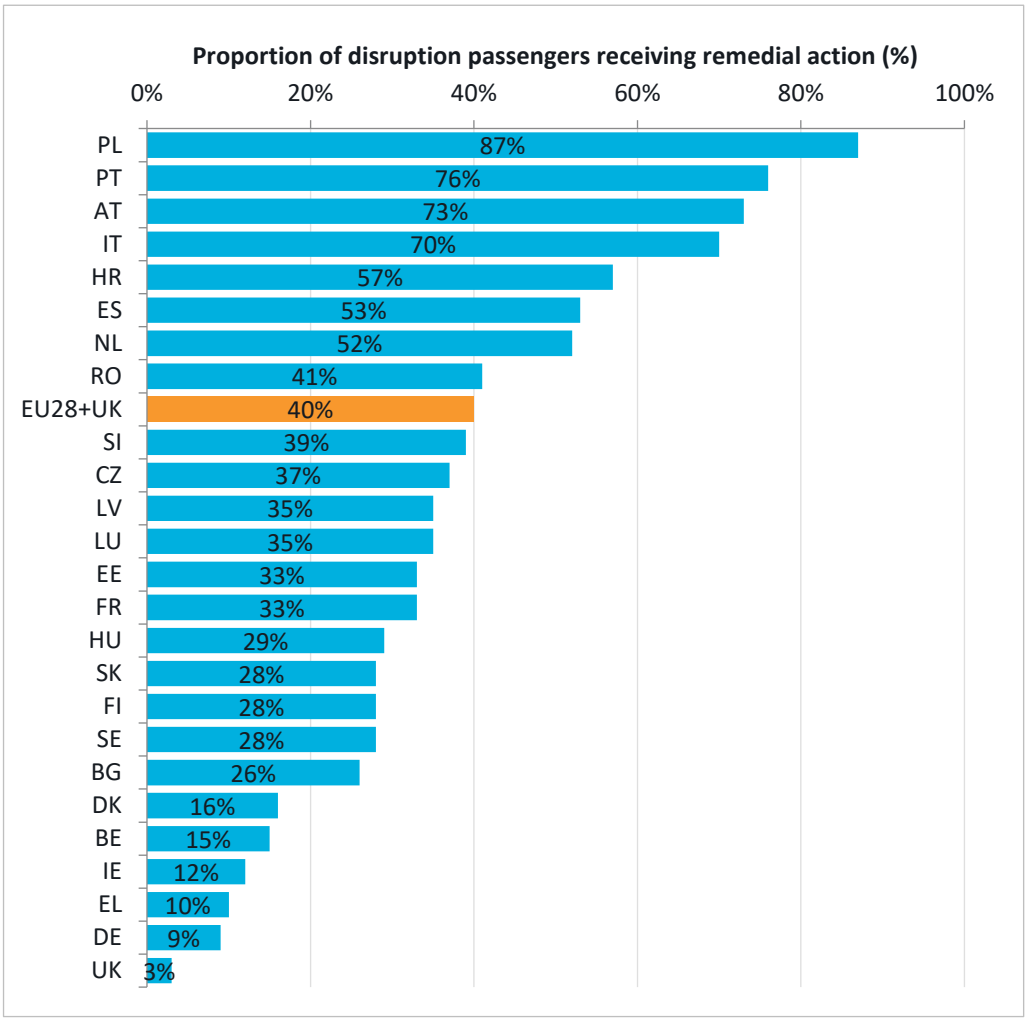
Source: Stakeholders, Support study, Para. 3.56, Table 3.7.

Figure A6.2: Eligibility of rights



Source: Support study, Para. 3.108, Figure 3.8.

Figure A6.3: Proportion of disrupted passengers receiving remedial action



Source: Eurobarometer 485, Support study, Para. 3.112, Figure 3.9. Based on Eurobarometer Special No 485.

Table A6.6: Running costs for NEBs, where available

MS	Costs
AT	8 FTEs, all modes, as NEB and ADR
BE	0.25 FTEs
BG	None
DE	11 employees
DK	EUR 3,000, complaints-handling only
EE	2 (all modes)
ES	No view
FI	EUR 250,000, 2.5 FTEs for all passenger rights and PRM tasks
HR	None
HU	2 FTEs
IE	1 FTE
IT	EUR 589,000, including 4.8 FTEs
LT	No view
LU	No view
MT	No view
PL	No view
PT	EUR 445,000
RO	No view
SE	No view
SI	No view
SK	1 FTE
UK	No view
IS	No view
NO	No view

Source: Support study, Para. 3.144, Table 3.11.
Note: FTE = full-time equivalent.

Table A6.7: Running costs and benefits for bus and coach carriers

Group	Costs	Benefits		Proportionate
DiCarloBus (Italian carrier)	Costs are related to ticket refunds.	No view		Potentially negative
FlixBus (German carrier)	Cannot be distinguished from what would otherwise have been the case without the Regulation.	None		Potentially negative
Kautra (Lithuanian carrier and terminal operator)	Cannot be distinguished from what would otherwise have been the case without the Regulation.	None		Potentially negative
CESMAD (SK regional coach operator)	No view	None		Unclear
CONFEBUS (Spanish bus and coach association)	No view	No view		Unclear
UITP (International Association of Public Transport)	No view	No view		Unclear
FBBA (Federation of Belgian Bus and Coach Operators)	No view	No view		Unclear
EPTO (European Passenger Transport Operators)	No view	No view		Unclear
POAYS (Pan-Hellenic Federation of Motorists for Intercity Transportation)	No view	No view		Unclear
Swedish Public Transport Association	No view	No view		Unclear
STAT (Italy)	No view	No view		Unclear
SAIS (Italy)	No view	No view		Unclear
SAJ (Italy)	No view	No view		Unclear
MarinoBus (Italy)	No view	No view		Unclear
ALSA (Spain)	No view	No view		Unclear
DPT (Danish Person Transport)	No view, but limited impact, given similar pre-existing provisions in national legislation.	No view		Neutral
CURCIO (Italy)	No costs	No view		Neutral

Source: Support study, Para. 3.148, Table 3.12.

Note: Red means negative impact, green shows a positive impact, whereas grey is for unclear or neutral.

Table A6.8: Comparison with other passenger rights Regulations

Issue	Assessment of possible differences between Regulation (EU) No 181/2011 and other passenger rights legislation
Non-discrimination	No difference with other transport modes based on residence, or on disability and/or reduced mobility
Right to mobility	Pre-notification requirement of 36h versus 24h for rail, 48h for waterborne and air Transmission of information to third-parties as soon as possible as in rail, whereas under 36h in air and no requirement in waterborne
Right to information	In case of cancellation before travel, no requirement as there is in air for passengers to be informed by written notice on the rules for compensation and assistance (alternative transport and care) as well as on the contact details of the NEB. In case of cancellation/denied boarding/delays before travel, requirement for information to be provided under 30 minutes (as in waterborne, vs. real-time for rail) but no requirement as there is in air for passengers to be informed by written notice on the rules for compensation and assistance (alternative transport and care) as well as on the contact details of the NEB. Time limits apply after travel for claims (as in waterborne and rail). No limits in air On the rights under the Regulation, to be provided at latest on departure, and at terminals and on internet. In waterborne, only have to be published on board and in ports, whereas in rail these obligations extent to ticket vendors and tour operators, and must be in provided either paper or electronic format or by any other means, including in accessible formats.
Right to renounce travelling	Possible if cancellation or delay at departure of more than 2h (5h delay on arrival in air, 1h in rail (delay at arrival) and 1h 30 in waterborne (delay at departure))
Right to rerouting and rebooking	As in waterborne: choice between reimbursement and re-routing under comparable conditions at the earliest opportunity and at no additional cost. No right to "self-rerouting and reimbursement of the necessary, appropriate and reasonable cost incurred" as in rail
Right to assistance	For cancellation or delay in departure of over 3h minutes regardless of planned journey duration (same as waterborne but for this mode journeys must be over 1h30). In rail for delays over 60 minutes. In air, for delays of more than 2h (flights of 1500 kilometres or less), 3h (for cancellation or delay in departure of over 90 minutes) or 4h (all other). Bus and coach limited to 2 nights with a maximum of EUR 80/night but only for journeys over 3h. Does not apply to cancellation or delay due to severe weather conditions or natural disasters. For waterborne, right to accommodation limited to 3 nights with a maximum of EUR 80/night with no right where cancellation or delay due to severe weather conditions. For rail, can be restricted to three days. In air, no limitations apply.
Right to compensation	In bus and coach linked to ticket price, but only possible if if re-routing and reimbursement was not offered. For waterborne, linked to the ticket price, but does not apply in exceptional circumstances. In air, fixed amounts depending on distance of flight and the actual arrival time following re-routing, does not apply in exceptional circumstances. In rail, linked to the ticket price, but does not apply in exceptional circumstances. To be paid under 3 months of request (1 months for bus and coach, no time threshold in air or rail)
Right of carrier liability	For passengers, at least EUR 220,000 in bus/coach, up to 250,000 SDRs[127] for waterborne, vs. up to 128,821 SDRs in air, and unlimited in rail For luggage, at least EUR 1,200 per piece in bus/coach (accident only), waterborne: up to 2,250 SDRs for cabin luggage, up to 12,700 SDRs for vehicles, up to 3,375 SDRs for other luggage. In air, up to 1,288 SDRs, in rail up to 1,400 SDRs per piece.

[127] Special Drawing Rights are a form of international money, created by the International Monetary Fund, and defined as a weighted average of various convertible currencies.

	Mobility equipment: Replacement or repair value (for bus/coach, waterborne and rail). Capped in air at up to 1,288 SDRs
Right to complaint handling	To be submitted within 3 months (same for rail, 2 months for bus/coach and rail, unlimited for air apart for luggage (7 days)) Operators to respond within 1 month with final response within 3 months (2 months for waterborne, 3 for rail, not specified for air).
Right to law enforcement	Right to use NEB as an appeal body

Source: Support study, Para. 3.227, Table 3.15.

Table A6.9: Possible areas for clarification of the Regulation

Article	Text or issue	Issues
3(m)	Terminal … equipped with facilities such as a check-in counter, waiting room or ticket office	• Are any of these facilities necessary to be a terminal? • Are any other facilities sufficient to be a terminal?
14(4)	Terminal managing bodies, travel agents and tour operators shall make every reasonable effort to ensure that the assistance is provided	What is a reasonable effort?
19(1)	Where a carrier reasonably expects	• What is a reasonable expectation? • Which member of the carrier's staff is the first who "reasonably expects", where are they, and by what means can they communicate the information to other carrier staff, terminal staff, and passengers likely to be affected? How do these staff communicate with the passengers?
19(1)	Departure from a terminal	Article 3 defines a terminal as "staffed" and "equipped with facilities such as a check-in counter, waiting room or ticket office": when unstaffed, or when facilities are closed, does a location cease to be a terminal and become a bus stop?
19(1)	Immediately	The Regulation would benefit from specifying a length of time rather than "immediately" which is not very specific and can lead to different interpretations.
19(1)(a)	Re-routing to the final destination	The Regulation should be more specific regarding the sort of re-routing that the carrier has to provide and that passengers can expect. The text leaves too much room for interpretation, more guidance is needed, such as in air and rail where the Commission issued guidelines.
19(1)(a)	Under comparable conditions	These comparable conditions could be defined according to a number of criteria, such as the mode of travel, departure point, departure time, nature of journey (direct or connecting), comfort of the vehicle, baggage allowance, etc.
19(1)(b)	A return service by bus or coach free of charge to the first point of departure	• How soon must this service be offered? • Must it be comparable? What is to happen if it is cancelled or delayed?
19(2)	If the carrier fails to offer the passenger the choice	• How is it determined whether, when and whom this choice has been offered?

		• How does the passenger inform the carrier of their choice?
19(2)	Submission of the request for compensation	What defines how, or by when, the request for compensation must be submitted?
19(3)	Continuation of the service with another vehicle from the location of the inoperable vehicle	• Can a carrier arrange to obtain another vehicle within a reasonable timescale, such as during an overnight journey? May a carrier require passengers to wait for another vehicle rather than procure rapid but expensive repairs?
19(3)	Or transport from the location of the inoperable vehicle to a suitable waiting point or terminal	• How is a "suitable waiting point" defined? What if vehicles become inoperable in remote locations in extreme weather?
19(4)	Bus stop	• Why is there no test that "a carrier reasonably expects", as at terminals? • Why is there no right related to overbooking, as at terminals?
20(1)	The situation	What information is required about "the situation"?

Source: Support study, Para. 4.15, Table 4.1.

Table A6.10: ten core passenger rights

Core passenger rights	
1	Right to non-discrimination in access to transport
2	Right to mobility: accessibility and assistance at no additional cost for passengers with disabilities and passengers with reduced mobility (PRM)
3	Right to information before purchase and at the various stages of travel, notably in case of disruption
4	Right to renounce travelling (reimbursement of the cost of the ticket) when the trip is not carried out as planned
5	Right to the fulfilment of the transport contract in case of disruption (re-routing and rebooking)
6	Right to get assistance in case of long delay at departure or at connecting points
7	Right to compensation under certain circumstances
8	Right to carrier liability towards passengers and their baggage
9	Right to a quick and accessible system of complaint handling
10	Right to full application and effective enforcement of EU law

Source: COM(2011) 898 final.