

Obligations of travel agents and tour operators under Regulation proposal concerning the rights of passengers in bus and coach transport

Ref: PM11-010/9435 – January 2011)

Who	Obligations	Scope
General provisions		
TA + TO	If the performance of the obligations under this Regulation has been entrusted to a performing party, the person who entrusted the obligations to that party shall be liable for the acts and omissions of that performing party	Regular services for more than 250 km and occasional services
TA + TO	The performing party shall be subject to the provisions of this Regulation, including provisions on liabilities and defences, with regard to the obligations entrusted	
Undetermined	Obligations pursuant to this Regulation cannot be limited or waived by a derogation or restrictive clause in the transport contract.	

Compensation and assistance in the event of accidents		
Undetermined	Passengers shall be entitled to compensation for death or personal injury as well as to loss or damage to luggage. The amount of compensation shall be calculated in accordance with national law. The maximum limit should anyhow not be less than 220.000 euro per passenger and 1200 euro per item of luggage	Regular services for more than 250 km and occasional services
Carrier	In the event of an accident the carrier shall provide reasonable and proportionate assistance with regard to the passenger's immediate practical needs (food and accommodation, the latter for maximum 2 nights at 80 euro)	

Rights of and assistance to Persons with Reduced Mobility (PRMs)		
TA + TO	Requirement to offer reservation and issuance of tickets to PRMs at no additional cost under the same conditions that apply to all other passengers.	ALL Regular services (> 250 km and < 250km)
TA + TO	Prohibition to refuse to accept a reservation, issue/provide a ticket or to embark a PRM on grounds of disability / reduced mobility, unless <ul style="list-style-type: none"> - to meet safety requirements established by law / competent authorities or - where the design of the vehicle or the infrastructure makes it impossible to take on board, alight or carry a PRM in a safe or operationally feasible manner. 	
TA + TO	In the event a PRM is refused the reservation or issuance of a ticket for above reasons: obligation to inform about acceptable alternative services operated by the carrier	
Undetermined	If a PRM, who holds a reservation or has a ticket and has notified his specific needs at the latest 36 hours before assistance is needed, is nonetheless denied embarkation, that person and any accompanying person required by the carrier or tour operator shall be offered the choice	

	<p>between:</p> <ul style="list-style-type: none"> - Reimbursement and where relevant a return service to the first point of departure at the earliest opportunity OR - Continuation of the journey or re-routing to the final destination by reasonable alternatives. <p>If a PRM has failed to notify his needs in advance, he shall be entitled in any case to reimbursement.</p>	<p>Regular services for more than 250 km</p>
TA +TO	<p>In the event a PRM is refused the reservation or issuance of the ticket on grounds of:</p> <ul style="list-style-type: none"> - Meeting safety requirements established by law / competent authorities; - Impossibility to take on board/alight or carry due to design of vehicle or infrastructure, <p>the PRM may request to be accompanied by another person who is capable of providing the assistance required in order that the abovementioned reasons no longer apply. The accompanying person shall be transported free of charge.</p>	
TA +TO	<p>Requirement to inform PRMs of specific reasons for refusing to carry PRMs on grounds of:</p> <ul style="list-style-type: none"> - meeting safety requirements established by law / competent authorities; - Impossibility to take on board/alight or carry due to design of vehicle or infrastructure. <p>On request, those reasons should be notified in writing to the PRMs within 5 working days of the request</p>	
TO	<p>Requirement to make available the non-discriminatory access conditions applying to the transport of PRMs travelling as part of a package travel</p>	
TA + TO	<p>Requirement to ensure that all relevant general information concerning the journey and the conditions of carriage is available in appropriate and accessible formats for PRMs, including online booking and information. The information shall be physically distributed at the request of the passenger.</p>	
TA + TO	<p>Requirement to take all measures necessary to facilitate the receipt of notifications on the need for assistance made by PRM.</p> <p>Requirement to transfer the notification to the carrier or terminal operator without delay.</p> <p>If no notification is made, requirement to make all reasonable effort to ensure the board/alight of PRM.</p>	

Definitions:

- Travel agent = any intermediary acting on behalf of a passenger for the conclusion of transport contracts;
- Ticket vendor= any intermediary concluding transport contracts on behalf of a carrier.
- Tour operators = an organizer or retailer, other than a carrier, within the meaning of Article 2(2) and (3) of Directive 90/314/EEC;
- Carrier= 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.
- Disabled persons and Persons with Reduced Mobility (PRMs) = any person whose mobility when using transport is reduced as a result of any physical disability (sensory or locomotor, permanent or temporary), intellectual disability or impairment, or any other cause of disability, or as a result of age, and whose situation needs appropriate attention and adaptation to his particular needs of the service made available to all passengers;
- regular services = services which provide for the carriage of passengers by bus or coach at specified intervals along specified routes, passengers being picked up and set down at predetermined stopping points.

- Occasional services= services which do not fall within the definition of regular services and the main characteristic of which is the carriage by bus or coach of groups of passengers constituted on the initiative of the customer or the carrier himself.

Scope:

- The Regulation applies travelling with regular services for non-specified categories of passengers:
 - where the boarding or the alighting point of the passenger is situated within the EU, or
 - where the scheduled distance of the service is 250 Km or more.
- The Regulation applies partially (not all provisions) to regular services where the scheduled distance is shorter than 250km;
- The regulation applies partially to passengers travelling with occasional services where the initial boarding point or the final alighting point is situated within the EU.
- Exemptions: Member States may exempt:
 - Domestic regular services;
 - Regular services with a significant part of the service operated outside the Union.