

Passengers' rights

There are many means of travelling throughout the territory of the European Union. Train, plane, bus and coach offer travellers great flexibility, allowing them to choose according to the speed, price or quality of the services offered by the various companies. With a view to protecting all European consumers, since 2004 the European Union has adopted a series of regulations on passengers' rights in order to standardise the rules governing the various modes of transport and give citizens greater protection vis à vis the various travel companies.

I. The rights set out in these regulations

The principle of non-discrimination

In no case may ticket prices differ depending on the customer's nationality, according to the principle of non-discrimination.

Transport companies may not deny boarding to persons who are disabled. Nor may ticket prices be increased on that account. Moreover, disabled passengers may be accompanied by a person who can provide them with assistance and the accompanying person does not have to pay for a seat during transport.

Companies may, however, derogate from that rule for health and safety reasons if their modes of transport are not equipped in such a way as to ensure the disabled passenger's safety. In that case a company must prove that it is indeed for safety reasons that it cannot accept such persons. In that specific case, the company will have to refund the said passengers' ticket in full or offer them an alternative means of transport that ensures their safety without charging a supplement.

Better legal protection in the event of an accident, delay or cancellation

Passengers are entitled to financial compensation from the carrier in the event of an accident causing their death or physical injury or damage to their luggage.

In the event of a serious delay (more than one hour in the case of rail transport, two hours for buses and coaches, two to four hours for air transport depending on the distance of the journey) or cancellation of the journey, the airline may have to refund the price of the passenger's ticket in full. In the event of a breakdown during the journey, the carrier must enable passengers to complete their journey using a different vehicle.

The carrier must also provide information on delays or cancellations of its vehicles. In the event that a delay or cancellation means the passenger misses a connection, the carrier responsible must offer information on alternative means of travel.

In the case of certain types of delay, the carrier may have to offer its passengers food or overnight accommodation where necessary.

ALDE's position

On the regulation concerning bus and coach passengers

Originally, the proposal for a Commission regulation concerning bus and coach transport applied only to journeys of more than 250 km, given the nature of undertakings in that sector, which are often SMEs.

In the view of Gesine Meissner, ALDE MEP and coordinator of the group in the Committee on Transport, the first version of the Commission's proposal was disappointing. In abstaining from the vote, the ALDE Group wished to welcome the fact that some of its demands had been met, such as the principle of non-discrimination against disabled persons, while also alerting the European Parliament to serious weaknesses.

To quote Mrs Meissner: 'You cannot use a distance of 250 km as basis for EU-wide legislation. To start with, three Member States – Luxembourg, Malta and Cyprus – are excluded and it is questionable whether there are domestic lines of such length in all of the remaining Member States.'

By neglecting to consider cross-border lines, according to the Conciliation Committee, the regulation 'applies only to a limited percentage of journeys.' 'In practice, this means that bus passengers travelling Vienna-Budapest or Luxembourg-Strasbourg would not be protected by this legislation', Mrs Meissner explained in a press release.

The Conciliation Committee appears to have listened to the ALDE Group's arguments. The final regulation does in fact cover all journeys of more than 250 km within the EU, both national and cross-border. Moreover, journeys of less than 250 km are also covered by some of the provisions of the regulation, such as the principle of non-discrimination in relation to the sale price of tickets and the various measures in regard to disabled passengers and those with reduced mobility.

On the range of measures to protect users of all modes of transport

The purpose of these rules regarding bus and coach passengers within the EU is to standardise the regulations covering the various users of the various transport modes. The regulation of 11 February 2004, amended in 2007 and then again on 11 April 2011, on the rights of airline passengers already emphasised the need to protect consumers in the event of excessive delays, flight cancellations or accidents. The regulation on the rights of passengers with reduced mobility of 11 July 2006 also inspired the regulation on bus and coach transport. The ALDE Group welcomes the harmonisation of this protection. Yet it points to one of the limitations of these regulations, which is that although they cover unexpected events for which the transport companies are responsible they still do not ensure that the consumer is protected in the 'case of force majeure', whether resulting from economic events (insolvency of an airline company) or natural causes (e.g. the eruption in 2010 of the Icelandic Eyjafjallajökull volcano, which paralysed the European skies).

Accordingly, the chairman of the ALDE Group, Guy Verhofstadt, stated in 2010 that he was pleased the transport Commissioner, Siim Kallas, had taken note of the need for European Union coordination in relation to its airspace, following the impact of the Eyjafjallajökull eruption. That meant the idea of creating a single airspace, advocated by the ALDE Group for years, was beginning to take shape.

'After years of procrastination from Member States it finally took a volcanic ash cloud hanging over the heads of EU states for them to see sense on closer air space coordination. Commissioner Siim Kallas has done a good job. He has put forward some sensible suggestions that should make a big difference to more efficient management of our air space and our collective response in the event of future natural or man-made disasters that risk paralysing our air transport system.'

Yet the ALDE Group considers that greater efforts still need to be made to protect consumers. According to Dirk Sterckx, Group coordinator on transport questions, the directive, in force since 1 November 2008 and designed to put in place stricter controls on the financial affairs of airlines with a view to anticipating any insolvency, has little de facto effect in terms of such protection, as shown by the situation of the SkyEurope airline at the end of 2009.

Dirk Sterckx called, therefore, for the creation of a reserve compensation fund for airline passengers whose flight was cancelled when an air carrier went bust. That fund would be financed by the airline companies to help passengers find an alternative itinerary or be reimbursed.

With a view to responding to these questions on air passengers' rights in the event of 'force majeure', the European Commission intends to review the regulations in 2012 in order to establish a balance between economically efficient airlines and improved consumer protection.

For further information:

[ALDE press releases on transport questions](#)

[European Commission's internet site on transport](#)

[Regulation of 2004 on air passengers' rights](#)

[Regulation of 23 October 2007 on rail passengers' rights](#)

[Regulation of 16 February 2011 on the rights of passengers in bus and coach transport.](#)