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Improving EU Bus Passenger Rights for Greater Consumer Protection

Position Paper



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Executive summary

The European Consumer Centres Network (ECC-Net), based on an extensive review of more than 4,000 cases and several consultations with European Consumer Centres, has identified key regulatory gaps in the current EU bus passenger rights framework. This policy paper highlights critical issues frequently encountered by consumers, particularly in the areas of luggage handling, communication during the journey, and compensation policies. ECC-Net urges the EU legislators to address these gaps to ensure fairer and more effective protection for bus passengers in all Member States.

Introduction

Regulation (EU) No 181/2011 establishes a baseline for safeguarding bus passengers in the European Union. However, inconsistent enforcement, operator practices, and the exclusion of certain services undermine its effectiveness. As the EU advances its sustainable mobility agenda, it is imperative to strengthen these rights to ensure inclusive, efficient, and effective protection.

About this paper and its publisher

The analysis and recommendations are based on more than 4,000 related cases handled by the European Consumer Centres Network (ECC-Net).

ECC-Net offers consumers advice on their rights and legal protections when shopping and travelling in another European Union Member State and some European Economic Area countries. As the network is in direct contact with consumers across Europe (118,000 cases in 2023), it can identify the challenges citizens face in countries across the single market and raise these issues with policymakers. From the offices in 29 countries, 150+ legal experts provide free advice and assistance in 24 different languages. ECC-Net is funded by the European Commission and by national governments.

Key issues and recommendations

1. Luggage protection and compensation

Current problems

Lack of luggage handling and compensation standards

Luggage-related complaints are a leading issue in bus and coach passenger cases. Consumers report high rates of theft, loss, and damage to luggage, but the current Regulation only provides compensation in case of accidents.

There is no uniform EU-wide system for compensation, so consumers have to turn to national law, which varies by Member State, often leading to outcomes that are perceived as unfair. The lack of mandatory procedures for luggage handling and compensation standards, such as those found in the Montreal Convention for air travel, places a heavy burden on passengers to prove their claims in court.

Recommendations

Standardise luggage rules beyond accidents

Clear and consistent EU-wide rules addressing the loss, theft, and damage of luggage beyond accidents would greatly benefit consumers. Standardising these protections across Member States would ensure that passengers can more easily resolve such issues, no matter where they are travelling.

Introduce a check-in process for luggage

Introduce a mandatory check-in process for luggage on longer routes, which would enhance security and accountability.

Establish rules on compensation for lost luggage

Transparent and standardised rules on the amounts and conditions of compensation for lost luggage should be established to address the frequent inadequacy of compensation based on the ticket price, which often does not reflect the real value of lost or damaged luggage.

2. Enhanced communication and information standards

Current problems

Insufficient or delayed travel information

Insufficient communication is a widespread problem, with passengers often not receiving timely updates on timetable changes, notifications of delays, or location details of bus stops. This lack of information leaves passengers uncertain about their travel arrangements, especially during multimodal journeys where timing is crucial.

Additionally, the current Regulation lacks requirements for bus operators to provide real-time information, which is particularly important for vulnerable travellers who may face language barriers or accessibility issues.

Recommendations

Improve information provided to bus passengers

- Require real-time updates for delays, schedule changes, and bus stop locations. This would ensure that all passengers receive timely and accurate information, helping them make informed travel decisions and reducing uncertainty during their journeys.
- Establish clear guidelines for how carriers disseminate information. This would make updates more consistent and accessible for all passengers, including those with specific needs related to language or accessibility.
- Require operators to notify passengers in advance of any major route or schedule changes, with the option for passengers to accept or refuse changes and request a refund if necessary.
- Ensure carriers provide digital tools, such as apps or platforms, that enable passengers to track buses in real time, similar to ride-hailing services. These tools would allow passengers to see the current location of their bus and its estimated arrival time, reducing uncertainty and increasing trust. This data would also address disputes involving 'ghost' buses by providing verifiable records of bus movements ensuring transparency.
- Clarify and balance the burden of proof in disputes between passengers and carriers. This would create a fairer and more transparent system, ensuring that consumers are not forced to struggle to substantiate legitimate claims.

3. Compensation for delays and cancellations

Current problems

Long waiting time for compensation

The existing Regulation mandates a 120-minute delay threshold before passengers are entitled to compensation or re-routing. This long waiting time is especially problematic for passengers facing delays at inadequately equipped outdoor stops, or for those whose bus travel is part of a multimodal trip.

Currently, passengers only receive ticket refunds or re-routing options, but this often fails to account for the broader inconvenience and added costs of delays, particularly when alternative travel arrangements are necessary.

Recommendations

Ensure fair and timely compensation procedures

- Reduce the 120-minute threshold, especially for cases affecting multimodal journeys. This would provide timelier compensation and support.
- Adopt a standardised compensation approach to reflect the inconvenience and potential costs of delays more accurately.
- Implement automatic compensation. Ideally, the compensation should be paid automatically, which could also be a suggestion for other modes of transportation.

4. Provisions for denied boarding and passenger abandonment

Current problems

No alternatives for denied bus passengers

Cases of denied boarding can lead to disproportionately high costs for passengers, especially when no alternative arrangements are provided. Passengers also report being left behind during stops or route changes without adequate information or assistance. The current Regulation does not address these scenarios, leaving passengers vulnerable to additional expenses and stress.

Recommendations

Address denied boarding and responsibilities of the carrier

- Establish EU-wide rules on denied boarding, requiring compensation when denied boarding results in high costs for the passenger and no alternative transport has been arranged.
- Ensure that carriers have clear responsibilities for assisting passengers abandoned during route changes, including providing information and arranging alternative travel options.

5. Issues with burden of proof in bus passenger rights

Current problems

Lack of verifiable records in bus travel disputes

Challenges with the burden of proof frequently occur in disputes between passengers and transport companies. These issues often leave passengers at a disadvantage, as buses typically lack the environments of train stations, airports, or ports that provide verifiable records. Key situations include:

- **'Ghost' buses**

Passengers report cases where they claim the bus never arrived, while the transport company insists it did. In these cases, consumers face the near-impossible task of proving that the bus did not show up, as there are no reliable systems in place to verify the presence or absence of a bus at a given stop.

- **Break departures**

Some passengers have missed their bus because it left while they were taking a break. Without clear documentation or a robust tracking system, consumers are often unable to prove their case.

- **Unverified passenger travel**

Disputes arise when passengers claim they did not travel on a bus, but the carrier asserts otherwise. This is particularly problematic when passengers have no physical ticket or other evidence to confirm their travel status.

- **Platform-booked transfers**

When airport transfer buses booked via platforms fail to show up, passengers are often required to provide proof of the service failure. Without supporting documentation from the company, consumers face unreasonable demands to establish their claim.

These situations highlight the need for a more balanced approach to the burden of proof in bus travel disputes. Measures such as digital tracking systems, mandatory documentation for bus arrivals and departures, and clear responsibilities for carriers to provide supporting evidence could significantly reduce these challenges.

Recommendations

- **Balance the burden of proof**

Clarify and balance the burden of proof in disputes between passengers and carriers. This would create a fairer and more transparent system, ensuring that consumers are not forced to struggle to substantiate legitimate claims.

Conclusion

ECC-Net emphasises the need for enforceable, clear, and uniform protection for bus passengers across the EU. **The current lack of a unified information system, absence of secure luggage handling practices, and insufficient compensation rules place undue burdens on consumers.** Revisions to these areas will empower passengers to exercise their rights effectively and reduce inconsistencies in consumer protection across Member States. Simplifying the claims process and ensuring real-time communication standards will further enhance consumer confidence and improve the overall experience for bus passengers.

ECC-Net encourages EU policymakers to consider enhancing regulatory protections for bus passengers, with the aim of establishing a more transparent, reliable, and equitable framework across the European Union. Strengthening these protections could help foster greater consumer confidence and support smoother multimodal travel within the EU.

Contact information

For further information on this policy paper or to discuss ECC-Net's recommendations in more detail, please contact us via info@eccnet.eu.

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